Friday
20th August, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS.)

Friday, 20th August, 1948

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS.

322*—347* [See page 406-24].

(a) Oral Answers.

REFERENDUM IN FRENCH POSSESSIONS TO DECIDE UNION WITH INDIA—

348. *Mr. R. K. Sidhva: (a) Will the Honourable the Prime Minister be pleased to state the time when the referendum in French India on the question of the Union of French Indian territories with India is likely to take place?

(b) Have Government received any communication regarding this matter from the French Government?

The Honourable Pandit Jawaharlal Nehru: (a) The referendum will take place after the Municipal elections in the French Establishments in India are over. The date of the referendum for Chandernagore will be fixed by the newly elected Municipal Assembly of Chandernagore, and for the four other establishments by their newly elected Municipal Councils grouped together in one single assembly.

(b) Yes.

Prof. N. G. Ranga: Is it true, Sir, that some of the political parties in French India have been carrying on propaganda that French India should not join the Indian Union?

The Honourable Pandit Jawaharlal Nehru: It may be true. I do not know about the respective propagandas of the various political parties in French India.

Shri H. V. Kamath: Under whose auspices, Sir, will the referendum take place?

The Honourable Pandit Jawaharlal Nehru: Obviously under the auspices of the Government there.

Shri Mihir Lal Chattopadhyay: If Chandernagore decides to come within the Indian Union, may I know if it will come within the Province of West Bengal or will remain a separate unit?

The Honourable Pandit Jawaharlal Nehru: I cannot answer that question till it arises. We have left the matter as one of principle, and when the principle is decided one way or the other, then this point will have to be considered in consultation with the people of Chandernagore.

Pandit Lakshmi Kanta Maitra: Do Government propose to take any steps to ensure that the referendum taken is absolutely free from outside influence or duress from any quarter?

The Honourable Pandit Jawaharlal Nehru: Government can only draw the attention of the French Government to it. The French Government have given assurances to that end. We are dealing with a foreign Government—we are not dealing with territory under the control of this Government.

Prof. N. G. Ranga: Will there be any observer on behalf of the Government of India just to see how the referendum takes place?

The Honourable Pandit Jawaharlal Nehru: No, Sir†

GOVERNMENT AGENTS IN MAURITIUS AND FIJI TO SAFEGUARD INTERESTS OF INDIAN SETTLERS.

349. *Mr. R. K. Sidhva: (a) Will the Honourable the Prime Minister be pleased to state the percentage of Indian Nationals in the population of Mauritius and Fiji?

(b) Is there any agent on behalf of the Government of India in these two countries to safeguard the interest of Indian Nationals? If so, who?

The Honourable Pandit Jawaharlal Nehru: (a) Indians constitute about 65·4 per cent. of the total population of Mauritius and 46·6 per cent. of that of Fiji.

(b) Government have recently appointed Mr. Dharam Yash Dev as Commissioner for the Government of India in Mauritius and Mr. S. A. Waiz as Commissioner in Fiji. Mr. Dev is on his way to Mauritius while Mr. Waiz is expected to leave for Fiji in the first week of September.

CUSTODIAN OF EVACUEES PROPERTIES, SIND

350. *Mr. R. K. Sidhva: (a) Will the Honourable Minister Without Portfolio be pleased to state whether a Custodian of Properties of Evacuees has been appointed by the Government of Sind?

(b) If so, when was he appointed and has he established his office?

(c) How many properties has he taken control of?

(d) Has he been empowered to dispose of properties with the consent of the owners and to collect rents etc.?

(e) If not, what are his functions?

The Honourable Shri N. Gopalaswami Ayyangar: (a) No. The appointment cannot be made by the Sind Government until the Sind Protection of Evacuees Property Ordinance, 1948, which is reported to be under the consideration of the Pakistan Government is promulgated. (b) to (e). Do not arise.

Mr. R. K. Sidhva: Is it not a fact, Sir, that at the last Session it was stated that the Custodian has been appointed by the Sind Government, and the name was also mentioned of Mr. O'Sullivan, a Judge of the Sind High Court? May I know if it is correct?

The Honourable Shri N. Gopalaswami Ayyangar: I do not know what was said at the last Session, but I can inform the honourable member that we heard only a few days ago from our High Commissioner in Karachi that no appointment could be made to this office because the Ordinance had not yet been promulgated.

Mr. R. K. Sidhva: Will the Government see that this Custodian is appointed as early as possible to safeguard the interests of the nationals of India who have opted out to India?

The Honourable Shri N. Gopalaswami Ayyangar: We have been hustling the Pakistan Government to get this Ordinance through and as soon as it is promulgated the appointment will, no doubt, be made by that Government.

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†See correction to this answer at the end of Part I of C. A. (Leg.) Debates, dated 30th August, 1948.

Loans given to Refugees

351. *Mr. R. K. Sidhva: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total amount of loans under Rs. 5,000 given to individuals and societies and the number of refugees province-wise to whom and the purpose for which such loans were given;

(b) how many applications were received for such loans from refugees; how many were admitted and how many rejected; and

(c) how many applications are still pending disposal?

The Honourable Shri Mohan Lal Saksena: (a) to (c). Loans are granted to help refugees in resettlement as traders, shopkeepers, artisans starting their own workshops or cottage industries, doctors (including dentists, radiologists, *vaids, hakims* and homeopaths), *tongawalas* etc. A statement containing information in respect of Centrally Administered Areas is placed on the table of the House. Information relating to Provinces and States is being collected and will be placed on the table of the House as soon as it becomes available.

Statement

		Delhi.	Ajmer-Merwara.	Himachal Pardesh.	Cutch.
(a)	(1) Number of refugees granted loans.	208	90	Nil	459
	(2) Total amount of loans given.	Rs. 3,00,400	Rs. 49,900	Nil	Rs. †1,01,400
(b)	Number of applications				
	(i) received	18,500	6,526	Nil	481
	(ii) admitted	208	90	Nil	459
	(iii) rejected.	97	12	Nil	Nil
?(c)	Number of applications pending.	18,195	6,424	171	22

† Includes agricultural loans also.

† Grants to cultivators were liberalised from early July, 1948, in accordance with the revised policy of the Government to give maximum help to Co-operative Societies in Delhi. Under Delhi, pending applications include 3,37 applicants not eligible for loans due to their not being registered as refugees by the prescribed dates.

Exchange of Provident and Pension Fund Records of Refugees

352. *Mr. R. K. Sidhva: (a) Will the Honourable Minister Without Portfolio be pleased to state whether in the Inter Dominion Conference the question of exchange of Provident and Pension Fund Records of the refugees who migrated from one Dominion to the other has been settled?

(b) If not, when is this question, which affects a large number of refugees, likely to be settled?

(c) Have the "history tickets" of all employees who have opted out from Pakistan into India been received from the Pakistan Government?

(d) Have any efforts been made by Government to see that this matter is disposed of soon?

(e) If so, at what stage is it at present?

The Honourable Shri N. Gopalaswami Ayyangar: (a) The employees of Provincial Governments had no option to transfer their services. In regard to these employees the transfer of provident fund balances or pension rights is a matter of agreement between the two Governments, and the question was placed on the agenda of the first Inter-Dominion Secttl. Level Conference held on 18-20th December, 1947. Pakistan desired a memorandum to be sent to them for consideration.

(b) A memorandum on the subject was prepared and forwarded to the Pakistan Government on the 19th February 1948. The final reply from Pakistan Government is still awaited. They are being reminded periodically. The last telegraphic reminder was issued on 22nd July 1948.

(c) It is presumed that the reference is to the service books of refugee Government servants of Provinces other than the Punjab and Bengal. If so, Provincial Government servants had no right to opt for service in either of the two Dominions. Their history records can only be transferred if an agreement regarding them is reached.

(d) Yes.

(e) The honourable member is referred to my reply to parts (a) and (b) above.

Mr. R. K. Sidhva: In answer to part (b) the Honourable Minister stated that the original memorandum was sent on 19th February and after that reminders have been sent from time to time the last being on 22nd July 1948. May I know of the Honourable Minister, in the event of the Pakistan Government not replying, what action do Government intend to take in this respect?

The Honourable Shri N. Gopalaswami Ayyangar: The Pakistan Government is a foreign Government. We will put as much pressure as we possibly can on that Government to send us a reply.

MISERABLE CONDITION OF INDIANS IN PAKISTAN JAILS

353. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister Without Portfolio be pleased to state whether Government are aware that a deputation of Hindus waited on Dr. Rajendra Prasad and represented the miseries of 800 Indian Nationals detained in Pakistan jails?

(b) Have Government taken any steps to get them transferred to Indian jails, or otherwise to mitigate their miseries?

(c) Are any nationals of Pakistan in any of the jails in India and if so, what is their number?

The Honourable Shri N. Gopalaswami Ayyangar: (a) Yes. A deputation of Hindus waited on Dr. Rajendra Prasad to represent the miseries of non-Muslim prisoners in Pakistan Jails.

(b) It was agreed at the Inter-Dominion conference held on 18-20th December 1947 that exchange of prisoners should commence between East and West Punjab in the first instance. The extension of the area on either side was to be considered. When the exchange was to start the Pakistan Government claimed that prisoners from the Punjab States should also be included and refused to start the exchange unless this was done. After considerable correspondence exchange operations started in the first week of April 1948 and continued up to the 28th April 1948 when the Pakistan Government stopped further exchange after having received an extra train load. They claimed that Delhi prisoners should also be exchanged on the same footing as East and West Punjab. Another Inter-Dominion Conference was held on the 25th May 1948 but no agreement could be reached. An agreement is at present under negotiation, and it is hoped will soon be reached.

(c) No Pakistan Nationals are in Indian Jails. The number of Muslim prisoners in East Punjab and Delhi Province is, however, 387. Information about other areas is not yet available.

Shri M. Ananthasayanam Ayyangar: If there are no nationals of Pakistan in this country does the Pakistan Government insist upon Muslim prisoners being transferred to Pakistan in exchange for Hindus?

The Honourable Shri N. Gopalaswami Ayyangar: Yes, because there is a migration of Muslims from here to Pakistan they want that Muslim prisoners should be sent to Pakistan.

Shri M. Ananthasayanam Ayyangar: After a train load of prisoners goes over to Pakistan from this side, do they start sending a corresponding number, or they do not send it on the ground that Mr. Quereshi is also not being sent there?

The Honourable Shri N. Gopalaswami Ayyangar: A number of train loads were sent from each Dominion to the other. As we happened to send the first rate train load when the last train load went from us to Pakistan, they sent the train back empty on the ground that no agreement had been reached about the exchange of Delhi prisoners.

Shri M. Ananthasayanam Ayyangar: May I know what the number of prisoners was in that train load?

The Honourable Shri N. Gopalaswami Ayyangar: I am afraid I must ask for notice.

Shri M. Ananthasayanam Ayyangar: Why was not care taken to see that simultaneously there is an exchange of prisoners to avoid this kind of defeat from time to time?

The Honourable Shri N. Gopalaswami Ayyangar: I am afraid that the line between India and Pakistan is a single line, not a double line.

Sardar Hukam Singh: Is the case of persons detained in mental Hospitals along with prisoners also being considered?

The Honourable Shri N. Gopalaswami Ayyangar: If they are prisoners they will no doubt be considered. I am not sure about the inmates of mental hospitals who are not prisoners.

Shri M. Ananthasayanam Ayyangar: May I know the number of non-Muslim Prisoners still in Pakistan as against Muslim prisoners here who will possibly be transferred to Pakistan?

The Honourable Shri N. Gopalaswami Ayyangar: We have not got the full number yet. I have asked the Pakistan Minister to make up the lists for us. It is only when those lists are received that I shall be in a position to give correct numbers, but I may say for the information of my honourable friend that so far as West Punjab and the North West Frontier Province are concerned, the number to be returned will be somewhere between 800 and 900.

Shri K. Santhanam: May I know, Sir, if it is not advantageous to India to discharge our Muslim prisoners to Pakistan even without any return of their prisoners?

The Honourable Shri N. Gopalaswami Ayyangar: Of course, if my honourable friend suggests that we should spend no thought on the unfortunate non-Muslims who are in Pakistan jails, perhaps we could consider his suggestion.

Pandit Lakshmi Kanta Maitra: May I enquire of the Honourable Minister if in the original negotiations for exchange of prisoners Pakistan Government raised the question of Delhi prisoners as well?

The Honourable Shri N. Gopalaswami Ayyangar: Not in the original negotiations. Those original negotiations related to exchange only between East and West Punjab.

Shri H. V. Kamath: Has the Honourable Minister's attention been drawn to a report of the A. P. I. appearing in this morning's *Statesman* to the effect that complete agreement has been reached between representatives of the Governments of India and Pakistan on the exchange of prisoners?

The Honourable Shri N. Gopalaswami Ayyangar: I am not aware of any Conference that had official recognition so far as exchange of prisoners is con-

cerned at Karachi during the last day or two. But I can mention for the information of the honourable member that only yesterday I sent a kind of final telegram to the Pakistan Minister in charge of this subject that he should accept the proposals that had been made from here officially and send me a telegram to that effect.

Shri H. V. Kamath: Am I to understand that no agreement has been finally concluded on this issue?

The Honourable Shri N. Gopalaswami Ayyangar: I think it is almost concluded. There is only a very small point of difference between India and Pakistan and I am hopeful that on that matter the Pakistan Minister will probably agree with me in the end.

Shri M. Ananthasayanam Ayyangar: Did the original terms of reference of the Agreement refer to condemned prisoners awaiting death?

The Honourable Shri N. Gopalaswami Ayyangar: Yes.

Shri H. V. Kamath: Is the question of Dr. Queresbi-Dr. Joshi bound up with this issue of exchange of prisoners?

The Honourable Shri N. Gopalaswami Ayyangar: It is.

Shri H. V. Kamath: Has it been finally decided?

The Honourable Shri N. Gopalaswami Ayyangar: That will be decided when we decide the lists of persons to be sent from here to Pakistan.

PAKISTAN'S PART IN KASHMIR OPERATIONS

354. *Shri M. Ananthasayanam Ayyangar: Will the Honourable the Prime Minister be pleased to state what part the Government of Pakistan has been playing in the Kashmir operation directly or indirectly?

The Honourable Pandit Jawaharlal Nehru: According to the latest evidence regular Pakistan Military forces have been fighting in great strength against our troops in Jammu and Kashmir for some months. The recent offensive against our positions in the Chakothi-Uri sector was the most violent since the fighting in the State started and was conducted mainly by Pakistan troops. These troops are to be found not only along this sector of the front but also in the remote mountainous regions of the north-west and north of the State. The House is already aware of the other forms in which Pakistan has been aiding the invasion, namely, allowing tribesmen and other invaders, including Pakistan nationals, transit across Pakistan territory and the use of bases in that territory for military operations, supplying military equipment, transport and petrol from Pakistan and permitting Pakistan officers to train, direct and otherwise help the irregulars.

Shri M. Ananthasayanam Ayyangar: Has a formal protest been lodged with the Pakistan Government and if so, has any reply been received?

The Honourable Pandit Jawaharlal Nehru: Yes, Sir. There has been considerable correspondence on that subject.

Pandit Lakshmi Kanta Maitra: Is it a fact that of late there has been a concentration of Pakistan Air Force on the border so as to stage an all-out offensive against Kashmir?

The Honourable Pandit Jawaharlal Nehru: These are matters which, I submit, are not properly discussed in the House.

Seth Govind Das: The other day the Honourable the Prime Minister stated that a communication has been addressed to the Pakistan Government asking them whether they admit that they have accepted the fact before the U. N. Commission that their armies are fighting there. Has any reply been received?

The Honourable Pandit Jawaharlal Nehru: Yes, Sir. The reply was that communication to the U. N. Commission was a confidential communication.

Shri Mahavir Tyagi: In view of the fact that Pakistan Government has violated our territory and sent their Armies to fight and invade our country, does our offer of holding a referendum in Kashmir still hold good?

The Honourable Pandit Jawaharlal Nehru: We made no offer at any time to the Pakistan Government.

APPLICATIONS FOR LICENCES FOR IMPORT OF CAPITAL GOODS

355. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Commerce be pleased to state how many applications for import licences for capital goods were received during each of the fiscal years, 1945-46 and in 1946-47, and 1947-48 and what was their value?

(b) How many and of what value out of this were for imports from (i) the United States of America; (ii) other hard currency areas; (iii) the United Kingdom; and (iv) other soft currency areas?

(c) What were the number and value of applications accepted for issue of license for capital goods for each of the 3 fiscal years abovementioned and from each of the four areas referred to in part (b) above?

(d) What is the value of capital goods actually imported during each of the three fiscal years mentioned above and from each of the four areas?

The Honourable Shri K. C. Neogy: (a) to (c). I lay on the table three statements showing the number and value of applications received for licences for import of capital goods under the capital goods licensing procedure from different countries and the number and value of applications licensed during the three calendar years 1945, 1946 and 1947. As statistics are maintained by the Chief Controller of Imports for calendar years, information has been furnished accordingly.

(d) I lay on the table a statement (No. IV) showing the value of capital goods imported during each of the three fiscal years 1945-46, 1946-47 and 1947-48.

Statement I

Showing the number and value of applications received for licences for import of capital goods under the capital goods licensing procedure from different countries, and the number and value of the applications licensed during the year 1945.

Country	Number of applications received	Total value Rs. (in lakhs)	Number of applications accepted	Total value Rs. in lakhs
1. U. S. A.	295	12,15	86	1,77
2. Other hard currency areas	..	..	..	..
3. U.K.	1,898	105,02	1,130	24,80
4. Other soft currency areas	52	1,98	23	88
TOTAL	2,245	119,15	1,239	27,54

Statement I

Showing the number and value of applications received for licences for import of capital goods under the capital goods licensing procedure from different countries, and the number and value of the applications licensed during the year 1946.

Country	Number of applications received.	Total value Rs. (in lakhs)	Number of applications accepted.	Total value Rs. (in lakhs)
1. U.S.A.	6,56	14,14	5 17	67,9
2. Other hard currency areas	24	98	21	63
3. U.K.	16,39	66,79	15,02	31,12
4. Other soft currency areas	2,08	7,13	150	3,14
TOTAL	25.27	88,99	22,90	41,92

Statement III

Showing the number and value of applications received for licences for import of capital goods under the capital goods licensing procedure from different countries, and the number and value of the applications licensed during the year 1947.

Country	Number of applications received	Total value Rs. (in lakhs)	*Number of applications accepted.	Total value Rs. in lakhs
1. U. S. A.	732	16,02	410	8,01
2. Other hard currency areas	47	17	19	73
3. U. K.	1,23,3	27,64	978	29,78
4. Other soft currency areas	188	9,24	137	2,26
TOTAL	2,2,90	53,07	15 44	40,80

*The figures do not include the licences issued for heavy electrical plant and for plants and machinery required for maintenance and repairs and for small industrial units. The total value of such licences issued during 1947 was Rs. 53 crores approximately.

Statement IV

Giving the value of import of capital goods during the three fiscal years 1945-46, 1946-47 and 1947-48.

(Figures in Rs. lakhs)

Year	Import from				
	U.S.A.	Other hard currency areas	U. K.	Other soft currency areas	Total
1945-46	5,67	37*	13,49	44	19,97
1946-47	4,66	102†	22,73	57	28,98
1947-48	11,66	165‡	35,89	3,08	52,28

*Switzerland only.

†Canada Rs. 16 lakhs ; Belgium Rs. 3 lakhs ; Sweden Rs. 39 lakhs and Switzerland Rs. 44 lakhs.

‡Canada Rs. 36 lakhs, Belgium Rs. 15 lakhs, Sweden Rs. 49 lakhs and Switzerland Rs. 65 lakhs.

§ From April to August 1947 for whole of British India and from September to March 1948 for Indian Dominion only.

N. B.—The trade statistics maintained by Government do not classify capital goods in a separate category. The articles classed under the head "Machinery and Millwork" in the Indian Sea-Borne Trade Accounts excluding "sewing and knitting machines and parts thereof" "typewriters and parts thereof" have been taken roughly as covering this category of goods.

Shri B. Shiva Rao: Is it a fact, Sir, that the Disposals Utilisation Committee has in its report mentioned that during 1947 licences were issued for the import of machine tools to the extent of rupees nine crores, but that the actual imports amounted only to rupees one crore?

The Honourable Shri K. C. Neogy: I am afraid I have not got the facts before me just now.

Shri B. Shiva Rao: I am raising this question to ask whether my honourable friend will satisfy himself before issuing licences for the import of such goods that those goods are not available in the surplus stores in charge of the Ministry of Industry and Supply.

The Honourable Shri K. C. Neogy: I will certainly consider the suggestion.

Shri M. Ananthasayanam Ayyangar: May I know if the Honourable Minister can tell us by reference to the statement laid by him on the Table the latest figures for 1947 in regard to applications received and the value of the actual quantities imported?

The Honourable Shri K. C. Neogy: I am giving total for all countries; will that do?

Shri M. Ananthasayanam Ayyangar: Yes. That will do.

The Honourable Shri K. C. Neogy:

Number of applications received 2[illegible]
Total value Rs. 53 crores and 7 lakhs.
Number of applications accepted. 1 544
Total value of applications licensed Rs. 42 crores.

Prof. N. G. Ranga: Is there any attempt being made to distinguish between capital goods and ordinary consumer s goods---esseutials and non-essentials and has any effort being made to encouruge the import of capital goods and essentials?

The Honourable Shri K. C. Neogy: Actually the question relates to capital goods alone and the figures that I have read out relate to capital goods. So far as consumer goods are concerned, recently we have liberalized our import policy so far as imports from soft currency areas go.

As regards hard currency areas strict control is exercised on the importation of consumer goods, but as far as capital goods are concerned, licences are issued freely whether the importation is to take place from the Dollar areas or the soft currency areas.

Seth Govind Das: Will Government see that in spite of their recent policy about the import of consumer goods, only such goods are imported which are not available in this country and which cannot be produced in this country?

The Honourable Shri K. C. Neogy: As a matter of fact this aspect of the matter is always borne in mind, but I must tell my honourable friend that we cannot utilise the control procedure for the purposes of granting protection to industry. We are not expected to do it. But the fact remains that in deciding upon the question of any licence being granted, we take into account the availability of the goods in the country itself and when we take that into account, we have to take into account not merely the quantities, whether the quantities are sufficient for purposes of consumption within the country, but also the quality has to be taken into account.

Mr. R. K. Sidhva: The Honourable Minister said that as far as soft currency is concerned, licences are given freely. May I know the meaning of the word "freely"? Is it not a fact that hundreds of applicants who are *bona fide* importers, who go to the office for getting the licences are denied the licenses for soft currency areas.

The Honourable Shri K. C. Neogy: I do not know whether my honourable friend is referring to capital goods but so far as capital goods are concerned, I can assure him that licencing is done freely to *bona fide* parties on the basis of essentiality.

Babu Ramnarayan Singh: As regards the grant of licences for import of capital goods, has any quota been fixed for each Province?

The Honourable Shri K. C. Neogy: I am afraid, not.

Prof. N. G. Ranga: How is a new importer to establish that he is a *bona fide* party?

The Honourable Shri K. C. Neogy: It depends upon so many factors, for instance, in the case of goods that are intended for the purpose of setting up what are the planned industries, such as cotton textiles, vegetable ghee and industries of that kind, we know the people who have been permitted to put up plants; we also know the places where these factories have to be set up. In regard to those particular categories of industries, there is no room for licensing except in conformity with the plan. It does happen some times applicants come forward for the purpose of obtaining goods in respect of such planned industries without having got a permit. In such cases, certainly, the application has to be refused.

Shri M. Tirumala Rao: May I ask if Government have in their possession any information regarding applications for capital goods which are not *bona fide*?

The Honourable Shri K. C. Neogy: If my honourable friend wants to know the facts fully on this particular point, I may inform him, but I should not like

to make a statement here publicly giving the names of parties whose applications may have been refused on the ground that they were not *bona fide* grounds.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable Minister if the non-utilization of eighty million sterling that was allotted to us by the United Kingdom as part payment of the Sterling balances was due to the stiffness of his Department in not granting licences for capital goods and so we have lost a large portion?

The Honourable Shri K. C. Neogy: I expect my honourable friend to be a little more patient about this. He is putting down an elaborate question on this particular subject, which is coming on a little while after, and that will need a very elaborate answer to be given.

Shri B. P. Jhunjhunwala: Are licences for the spare parts given as freely as for capital goods?

The Honourable Shri K. C. Neogy: Yes. As a matter of fact applications for licences in respect of spare parts are given most freely.

Shri B. Das: Is there not a tendency on the part of United Kingdom manufacturers not to deliver the goods that are capital goods, that are on order and which can be delivered?

The Honourable Shri K. C. Neogy: I am afraid, I am not in a position to give an answer.

Shri T. T. Krishnamachari: May I ask if one reason is not that the Export Control Department have been rather free to grant export licences and that is the reason why we have not been able to utilize the eighty million sterling.

The Honourable Shri K. C. Neogy: I would ask my honourable friend to wait till the particular question comes up.

Babu Ramnarayan Singh: What are the claims or qualifications for a new licensee?

The Honourable Shri K. C. Neogy: In the case of the particular category of industries to which I have already made reference—the planned industries—the applicant must conform to the approved plan; in regard to others a general enquiry is made, but particularly no strict test is laid down for the purpose of satisfying oneself about the *bona fide* of a party, and the essentiality of the goods

STATISTICAL DEPARTMENT FOR GOVERNMENT OF INDIA

†356. ***Shri R. R. Diwakar:** (a) Will the Honourable the Prime Minister be pleased to state whether Government have a separate Statistical Department now?

(b) If not, are Government contemplating to organise such a Department? If so, when?

The Honourable Pandit Jawaharlal Nehru: (a) There is no Central Statistical Department but several ministries have statistical sections.

(b) Yes; It is proposed to have a Central Statistical office and it is hoped that fairly early steps to this end will be taken.

SCHEMES FOR HOUSING REFUGEES IN DELHI

†357. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of schemes proposed for housing refugees in Delhi including that of Tehar;

(b) the time taken in formulating them;

(c) the number and names of those abandoned and the stage at which they were abandoned;

† Answer to this question laid on the table, the questioner being absent.

(d) the schemes now in hand;

(e) the number of houses under construction; and

(f) the number of houses scheduled to be completed by December 1948?

The Honourable Shri Mohan Lal Saksena: (a) Fifteen.

(b) About six months.

(c) Two schemes—*viz.*, Tehar and Mehrauli Town Expansion Schemes. They were abandoned on account of difficulties regarding drainage and water supply respectively. Both the schemes were abandoned in early stages.

(d) The following schemes are now in hand: (i) New Delbi Northern Extension Scheme (ii) Shadipur Scheme (ii) Malkaganj Scheme (iv) Reglarpura Scheme (v) Jangpura Scheme (vi) Kingsway Scheme (vii) 857 plots in the Western Extension Area (Karol Bagh) (viii) one plot on Delhi-Mathura Road (ix) Shekh Sarai Township Scheme (x) Kalkaji Township Scheme (xi) Nazul Land near Nizamuddin (xii) two plots on Lodi Golf links (xiii) Nizamuddin village Scheme (xiv) Mehrauli Village Extension Scheme.

(e) 3,000.

(f) 3,000.

Financing Refugees for Building of Houses

†358. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) whether Government are aware that a large number of refugees are unable to finance the building of houses on plots being allotted to them;

(b) whether Government have any scheme to finance such building operations; and

(c) If the answer to part (b) above be in the affirmative, what is the total amount kept apart for this purpose for (i) Delhi, (ii) East Punjab and (iii) other areas?

The Honourable Shri Mohan Lal Saksena: (a) and (b). Government are aware of this difficulty of refugees and a scheme is under consideration for the grant of building loans to refugees to whom plots are allotted, but are not in a position to build.

(c) The amounts to be set apart for the purpose of building loans in Delhi, East Punjab and other areas will be decided once the principles of the building loans scheme have been decided upon and their requirements are known.

Expenditure on Ministry of Relief and Rehabilitation

†359. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total expenditure so far incurred by the Ministry of Relief and Rehabilitation in the years 1947-48 and 1948-49 showing the sums spent on Establishment, Travelling allowances and Honoraria; and

(b) the number of officers drawing salaries (i) about Rs. 350, (ii) between Rs. 350 and Rs. 599, (iii) Rs. 600 and (iv) those drawing Honoraria only?

The Honourable Shri Mohan Lal Saksena: (a) The information is being collected and will be laid on the table in due course.

(b) (i) Twenty-three, (ii) Sixty-six, (iii) Thirty-eight, and (iv) one.

Report on Working of Office of Custodian of Evacuees Property

†360. ***Giani Gurmukh Singh Musafir:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to refer to the answer to part (c) of my starred question No. 159 asked on the 7th February, 1948 and state whether the

†Answer to this question laid on the table, the questioner being absent.

report of the enquiry conducted by the Honourable Mr. Justice G. D. Khosla into the affairs of the office of the Custodian of Evacuees Property, Delhi can now be laid on the table of the House?

(b) What action has been taken thereon?

(c) If no action has been taken, what is the reason for the delay?

The Honourable Shri Mohan Lal Saksena: (a) As judicial proceedings are still pending, it is not possible to lay the report on the table.

(b) and (c). Action has been taken on several recommendations made in the report. Details of action taken on the report will be intimated when the report is laid on the table of the House.

HOUSES, SHOPS AND FACTORIES ABANDONED IN DELHI

†361. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of houses, shops and factories abandoned in Delhi by evacuees;

(b) the number of houses, shops and factories occupied by local persons;

(c) the number of houses, shops and factories illegally occupied by refugees;

(d) the number of evictions ordered;

(e) the number of evictions carried out; and

(f) the number of allotment, in which possession has been given to allottees of shops, houses and factories?

The Honourable Shri Mohan Lal Saksena: (a) to (f). A statement containing the requisite information is laid on the table.

Statement

	Houses	Shops	Factories
(a)	19,871	4,026	459
(b)	353	367	13
(c)	16,659	3,322	66
(d)	174	63	17
(e)	113	23	40
(f)	2,139	337	48

RESTORATION OF CUT IN MOTOR SPIRIT

362. *Shri H. V. Kamath: Will the Honourable Minister of Works, Mines and Power be pleased to state when the fifty per cent. cut in motor spirit (petrol) imposed in May, 1948 will be restored?

The Honourable Shri N. V. Gadgil: The question relates to the Ministry of Transport and will be answered by the Honourable Minister for Transport on a later date.

RECOGNITION OF STATE OF ISRAEL

363. *Shri H. V. Kamath: Will the Honourable the Prime Minister be pleased to state whether the Government of Israel has approached the Government of India for recognition of the State of Israel? If so, when and with what result?

The Honourable Pandit Jawaharlal Nehru: Yes. A telegram was received in the middle of June, 1948, from Monsieur Moshe Shertook, Foreign Minister of the Provisional Government of the State of Israel, containing a request for recognition of the Jewish State. The Government of India decided to defer consideration of this question.

Shri H. V. Kamath: What are the criteria or considerations for the recognition of a newly born state?

†Answer to this question laid on the table, the question being absent.

Mr. Speaker: Order, order. The question is too general.

Shri H. V. Kamath: What were the reasons that led the Government to reject or defer consideration of the application for recognition by the Israel Government?

The Honourable Pandit Jawaharlal Nehru: The obvious reasons were that a new State was formed and we had to wait. Normally we should have to be satisfied and know exactly what the international position is, before taking any step.

Shri H. V. Kamath: Is it not a fact that some other powers, big powers too, have recognised it in spite of this handicap?

The Honourable Pandit Jawaharlal Nehru: Yes.

Begum Aizaz Rasul: Will the Honourable the Prime Minister keep in mind the fact that there are a large number of people living in the Indian Dominion whose wishes and sentiments in this regard should be kept in view regarding the recognition of the State of Israel, and they are definitely opposed to it.

The Honourable Pandit Jawaharlal Nehru: Of course, the Government have to keep in mind all the factors governing a particular situation.

Shri Mahavir Tyagi: Has it come to the notice of the Government that their Envoy in Egypt in a public speech declared that the sympathy of the Government of India was with the Arabs and not with this Government?

The Honourable Pandit Jawaharlal Nehru: I do not think the honourable member is quite correct in his discription of what our Ambassador in Egypt said. What our Ambassador said was—and he represented exactly what the facts of the situation were—that the sympathies of the Indian people and the Government have been in the past, and are to a large extent with the Arabs. That has nothing to do with the present conflict, it is a fact which we all know. It might also be said that the sympathies of the Indian people have been, apart from Palestine, with the Jews because of the terrible persecutions that they have undergone. But considering the particular issue in Palestine, it is an exceedingly delicate issue now and has to be considered, apart from sympathies etc., and the Government have to take every single factor into consideration,—international and national—before taking any step. I am glad the honourable member's supplementary question has given me this chance of explaining this mis-representation of what our Ambassador in Egypt has said.

Shri H. V. Kamath: Will the Honourable the Prime Minister be pleased to state how many Governments have so far recognised the State of Israel?

The Honourable Pandit Jawaharlal Nehru: I do not know; I have not kept an account.

Shri H. V. Kamath: Is the Prime Minister aware that Israel has applied or is shortly going to apply for admission to the United Nations?

The Honourable Pandit Jawaharlal Nehru: Some kind of rumour to that effect has reached me.

Shri H. V. Kamath: Is it a mere rumour?

Mr. Speaker: Order, order. Next question

Import of Shipping

364. *Shri H. V. Kamath: Will the Honourable Minister of Commerce be pleased to state:

(a) the total tonnage of shipping including men-of-war, imported during 1947-48, and to be imported during 1948-49;

(b) from which countries such imports have been made and how much from each such country;

(c) whether Japanese shipyards have started working again; and

(d) if the answer to part (c) above be in the affirmative, whether Government propose to import any vessels from Japan?

The Honourable Shri K. C. Neogy: (a) The total tonnage of merchant shipping imported during 1947-48 was approximately 120,000 gross registered tons, and the tonnage likely to be imported during 1948-49 is, so far as can be anticipated at present, about 150,000 gross registered tons. The corresponding tonnages for naval ships are 14,325 and 9,490 respectively.

(b) The tonnage of Merchant ships acquired from America and the U. K. during 1947-48 were 95,053 and 24,800 respectively. All the naval vessels were imported from the United Kingdom.

(c) and (d). The Government of India have received intimation that the SCAP have under consideration the question of permitting Japanese firms to build large ships for export, and that in anticipation of permission being given by the SCAP, various countries have placed orders for building ships in Japanese ship-building yards. Government understand that certain private building orders have already been placed by Indian companies with Japanese yards, but they have asked all Indian shipping companies to supply relevant information if they are interested in getting ships built to order in Japan.

Prof. N. G. Ranga: Are steps being taken to increase the capacity of our ship building yards to build ships?

The Honourable Shri K. C. Neogy: I am afraid I am not in a position to answer this question, because it relates to the port folio of my honourable friend the Minister for Industry and Supply?

Shri M. Tirumala Rao: May we know the names of the Indian Companies that have placed orders in Japanese firms?

The Honourable Shri K. C. Neogy: I have got the names: Bharat Lines Ltd., Bombay; Shri Ambica Steam Navigation Co. Ltd., Bombay; these two have been trying to place orders with Japan. We have addressed twelve others requesting them to furnish information about their requirements, so that we can see how far we can help them.

Shri Biswanath Das: May I know why the Government of India instead of helping the expansion of the existing ship-building yards or helping to construct new yards, had been helping these people to get to order ships constructed in Japan?

The Honourable Shri K. C. Neogy: Our need is so great that we cannot possibly wait till the capacity of the existing yards is expanded or new ship-building yards are put up. I can assure my honourable friend that the question of expansion of the present capacity as also addition to the capacity in India is always borne in mind.

Shri Biswanath Das: May I know, Sir, whether any active steps have been taken besides those that are borne in mind?

The Honourable Shri K. C. Neogy: There are certain limitations. As a matter of fact, I am not in full possession of the facts in this matter, because the subject matter does not relate to the Ministry of which I am in charge. But, there are certain limitations subject to which the existing ship-building yards have to work. Until and unless those limitations are removed, I am afraid there is no possibility of an early acceleration of the process of manufacture in the existing ship-building yards, not to speak of starting new yards.

Shri Biswanath Das: May I know who, when and how, is to remove those limitations?

Mr. Speaker: Order, order. That question may be better put to the Minister concerned. Next question.

REHABILITATION OF REFUGEES FROM WESTERN PAKISTAN

365. *Shri H. V. Kamath: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of displaced persons who have sought refuge in India from Western Pakistan;

(b) how many of them are still without employment or some means of livelihood;

(c) how many are without a roof over their heads;

(d) how many, according to the latest scheme of Government, will be allocated to Delhi Province, and how many dispersed among the various other Provinces and States of India;

(e) whether Government propose to give any financial assistance to Provinces and States in this regard, and if so, how much to each such unit; and

(f) what the refugees' response has been to Government of India's appeal to them to settle down in different parts of India?

The Honourable Shri Mohan Lal Saksena: (a) About 55 lakhs.

(b) About 28 lakhs. Government however propose to take a census of refugees shortly, after which it will be possible to give the correct appreciation of the position.

(c) It is not possible to give the exact number of such refugees. About 7½ lakhs are in tents.

(d) The matter is still under the consideration of the Government.

(e) Yes. The terms on which financial assistance be given to Provinces and States are stated in our letters No. R. and R.-4(9) dated 30th December, 1947, No. F. 162/48-R. and R. dated 8th January, 1948 and No. R. and R. 140(2)-11. dated 30th December, 1947, copies of which are placed on the table of the House.

(f) In view of what is stated in reply to part (d), the question does not arise.

No. R. & R.-4(9)

GOVERNMENT OF INDIA
MINISTRY OF RELIEF & REHABILITATION

New Delhi, the 30th December, 1947.

From

N. C. Shrivastava, Esquire,
Deputy Secretary to the Government of India.

To

All Provincial Governments,

SUBJECT:—*Financial assistance for the resettlement of displaced persons on land.*

Sir,

The Government of India have received, generous offers for resettling displaced persons from various provinces and states on land. It is the intention of Government to take advantage of these offers and to send out displaced persons to various provinces and states for resettlement.

2. It is realised that displaced persons resettling on land may need assistance in various ways. They may need seed and bullocks or agricultural implements. In some cases they may even need food and fodder for a period and assistance to build or repair houses.

The help required and the method of assistance are bound to be determined by each Government according to the need of the case; but the Government of India feel that in most cases the help is likely to take the form of repayable loans, like the takavi advances, the technique of which is generally well-known to Revenue Officers.

The loans must be granted by the Provinces concerned but owing to the magnitude of the task it is possible that some of them may not have money enough to finance the loans to the persons to be resettled. To avoid any delay in resettlement due to this cause, the Government of India wish to make it clear that they would be prepared to consider sympathetically any request for loans of reasonable amounts by the province concerned, who may need funds to

finance their loans to the agriculturists. The terms and conditions of the loans to be given by the Government of India to the Provinces must necessarily be a matter of negotiation between the two Governments.

3. It is realised that in addition to granting resettlement loans refugees may have to be fed in the village till the time of the next Crop, and for this purpose an absolute free grant may have to be made to them. The Government of India will be prepared to share this free grant with the Provincial Government.

4. Without in any way wishing to limit the discretion of Provincial Governments, the following suggestions are offered for consideration:—

(a) For security of repayment, loans may be given as far as possible to groups of persons who bind themselves jointly and severally.

(b) Resettlement may be facilitated if persons coming from the same village are resettled in close proximity to one another. If this is arranged, and the men are made jointly responsible, the risk of failure to repay will be minimised.

(c) In order to check misuse, assistance may be given in kind to the extent possible and the assets may be hypothecated to Government.

(d) The assistance, whether in cash or kind, may be given in instalments as required.

(e) In considering resettlement of agriculturists the village artisans may not be overlooked. Like agriculturists, they may need assistance to start their trade and repayble loans may be granted to village artisans like carpenters and black smiths.

5. The Provincial Governments will no doubt give such other instructions as may ensure that the assistance is used to the best advantage and not frittered away and the displaced persons are resettled as speedily as possible. A copy of the instructions may be sent to this Ministry for information. Refugees who are being sent to the Provinces have been uprooted from their homes and land and have undergone untold hardship during evacuation. To make their resettlement possible on land far away from their old homes and in entirely new surroundings sympathetic treatment is called for, and the Government of India trust that every effort will be made by local officers to facilitate their resettlement.

6. If it is desired that the Government of India should bear a portion of the losses which may ultimately be incurred on this scheme, it would be necessary:—

(i) to obtain the sanction of the Government of India to the scheme which Provincial Governments may wish to adopt; and

(ii) to keep separate accounts of the scheme which can be audited.

These accounts will be audited by the Accountant General of the Province concerned.

As Provincial Governments will derive substantial benefit in the shape of receipts from land revenue and in other ways, the Provincial Government may reasonably be expected to bear the losses which may ultimately be incurred on the working of the scheme. If the Provincial Governments desire, however, the Government of India would be prepared to consider sharing the losses on a reasonable basis.

7. A report on the working of the scheme may please be sent to the Government of India so as to reach this Ministry on the 7th of every month.

I have the honour to be,
Sir,
Your most obedient servant,
N. C. SHRIVASTAVA,
Deputy Secretary to the Government of India.

No. F. 162/48-R. & R.

GOVERNMENT OF INDIA

MINISTRY OF RELIEF AND REHABILITATION

New Delhi, the 8th January 1948

From

N. C. Shrivastava, Esqr., I.C.S.,
Deputy Secretary to the Government of India.

To

All Provincial Governments.

SUBJECT:— Grant of financial assistance to Non-Muslim refugee students and trainees from Western Pakistan.

Sir,

I am directed to state that the Government of India have drawn up the enclosed scheme for the grant of loans to refugee Non-Muslim students and trainees from Western Pakistan who have arrived in the Indian Union. The Government of India desire that all Provincial Governments should take steps to institute immediately this Scheme within their jurisdiction. It need hardly be stressed that the early resettlement of refugees is an urgent problem. The problem of education and training of the younger generation is however, even more urgent and the Government of India are anxious that refugee students and trainees wishing to pursue their studies or training should not be prevented from doing so for lack of funds.

2. The following action on the part of the Provincial Governments seems to be necessary in order to bring the Loans Scheme into operation and the Government of India request that it may be taken immediately :—

(1) The Scheme should be given wide publicity amongst refugee population and applications invited ;

(2) The Scheme should be communicated to the Heads of all recognised Colleges and Institutions ;

(3) An officer should be nominated to sanction loan applications. Perhaps the Provincial Governments would find it most convenient to nominate the Director of Public Instruction as the authority competent to sanction loans.

3. All applications for grant of loans under the Scheme are to be submitted by the student and/or his guardian through the Head of the institution concerned, who is expected to verify the facts as far as possible and forward them to the sanctioning authority together with his recommendation. The Head of the Institution is also competent to sanction an amount not exceeding Rs. 200 in any case in order to avoid distress.

4. Separate accounts must be kept of these loans and they should be capable of independent audit. While the Provincial Governments would undoubtedly make every effort to recover the advances according to the terms and conditions of the Scheme, it is possible that despite all efforts a certain amount of advances may become irrecoverable. If this happens, the Government of India would be prepared to meet all *bonafide* losses incurred on the working of the Scheme if Provincial Governments so desire. The accounts of the Loans Scheme will be audited by the Accountant General concerned.

5. The above Loans Scheme applies to technical and collegiate education. For school students, the Government of India desire that the following concessions should be given to those studying in the 9th and 10th classes :—

(*i*) They should be given free seats and no fees should be charged from them ;

(*ii*) They should be exempted from the payment of examination fees ; and

(*iii*) A grant up to a maximum of Rs. 75 may be made to each student for books, apparatus and stationery.

The Provincial Governments will no doubt take suitable steps to ensure that these concessions are given only to those students whose parents or guardians are without sufficient funds.

The Government of India will be prepared to reimburse to the Provincial Governments expenditure on account of the above concessions if so desired.

6. A report on the working of the Loans Scheme as well as on the concessions to school students should please be sent monthly, so as to reach this Ministry by the 7th of each month. The first report being sent on or before the 7th February, 1948.

7. This Ministry's letter No. R & R-5(3), dated the 12th Dec., 1947 and the scheme enclosed therewith are cancelled.

I have the honour to be,
Sir,
Your most obedient servant,
N. C. Shrivastava
Deputy Secretary to the Government of India.

Scheme for Grant of Loans to Non-Muslim Refugee Students and Trainees from Western Pakistan.

This scheme will apply to :—

(1) All non-Muslim Students and trainees who have migrated from Western Pakistan, and

(2) such students, who were already studying in India as

(*a*) have either lost their parents/guardians in Western Pakistan, or

(*b*) whose parents/guardians have migrated from that area to the Indian Union, and who are unable to continue their studies or training for lack of funds.

Loans will be granted to such students and trainees under the following terms and conditions.—

(1) Loans will be granted to non-Muslim students and trainees from Western Pakistan areas who for want of funds cannot continue their studies and/or training :—

(2) Loans will be given only for studies and/or training in a recognised institution or college.

(3) Loans are for completion of studies which the student was already pursuing and not for any further or higher education or training after completion of the present course. For instance, if a student was in the course of studies for graduation, his studies shall not be financed for a Post graduate course. Exceptions may be made in the following cases.

(*i*) Students who were studying in the Intermediate may be taken to the end of the Degree course provided they pass Intermediate in second division or above.

(*ii*) Specially meritorious students and all those who graduate in the First Division may be assisted for a Post graduate course.

(*iii*) Meritorious students who pass the Matriculation Examination in the First Division and who wish to continue studies further may be assisted.

(*iv*) Students who have passed the Intermediate Examination (Medical) may be assisted to continue their medical course.

(4) The loan shall be given in such instalments monthly or otherwise, as may be considered fit for each individual case, taking into consideration the recommendation of the Head of the Institute.

(5) The loan instalment to any student or trainee will stop immediately on his failing to pass a recognised periodical examination, not being a school or college weekly test.

(6) The loan amount when sanctioned, will be paid through the Head of the Institution where the student is studying or is to continue his/her studies.

(7) The student as well the parent or guardian, or the surety shall sign an undertaking to repay the loan whether in lumpsum or by instalments on rehabilitation of either of them. For thie purpose a half yearly review shall be carried out of the financial position of his parent or guardian. The advance will be completely repayable within four years from the date of payment of the last instalment. No interest will be charged during a period of one year from the date of payment of the last instalment. Thereafter interest at the rate of 2% will be charged.

(8) Government will have a prior lien on the services of the students financed under this scheme.

2. An application for a loan under this scheme will be sent by the student or his guardian the facts stated in the application and shall forward it along with his recommendations to the officer of Provincial Government duly authorised to sanction loans. A schedule showing approximate expenditure on various items in different courses of studies is attached for the guidance of the Head of the Institution. The amounts required in each case will vary according to local and individual circumstances.

3. Loans will be sanctioned by a duly authorised officer of the Provincial Government within whose jurisdiction the student and his guardian reside.

4. Applications should give the following particulars :—

(*a*) Full name, age and address of the student.

(*b*) Full name and address of the parent or guardian in Indian Dominion as well as previous address in Pakistan.

(*c*) The course of studies undertaken, name of the Institute where studies were undertaken and examinations already passed.

(*d*) Minimum period required for completion of such studies.

(*e*) Fees etc., payable to the institution and when due (Items should be given separately wherever possible) *e.g.* Tuition fees, deposits for Laboratory or Library, games fees, examination fees etc.

(*f*) Minimum allowance required for books, instruments, lodging, boarding and outfit etc. each item to be given separately.

(*g*) Any security or surety that the student or his parent or guardian is able to putup for repayment of loan, if granted.

(*h*) The manner in which the loan is desired to be repaid.

(*i*) Any particulars regarding the parents or guardians of the student or trainee, that the applicant is in a position to furnish. These particulars should state properties, and assets, social standing of the parents or guardians or surety.

(*j*) If the student or his guardian has registered as a refugee under any enactment that may be in force in the area, the registration number should be quoted.

5. Pending sanction to the loan applied for, interim relief may be paid by the Head of the Institution or college up to a maximum of Rs. 200 per head. This amount will be adjusted against the loan when sanctioned by Government.

SCHEDULE SHOWING EXPENDITURE IN CONNECTION WITH CERTAIN COURSES

(This schedule does not contain an exhaustive list or courses for which assistance may be given and the amounts shown are intended to be used as a guide only. The actual amount to be sanctioned will depend on local circumstances.)

Name of the course	Maintenance	Books and Apparatus	Outfit and Contgcy.	Fees
BOARDER				
1. I. A. & Sc. Diploma Course in Agriculture and Veterinary Science.	420	70	70	100
2. B. A., B. Sc. & B. Sc. Ag.	420	75	75	150
3. M. A., M. Sc.	420	160	120	200
4. Teacher's Training Course :				
(a) Post-graduate Course	350	75	75	220
(b) Diploma Course	350	75	75	160
5. Engineering (Technological) Diploma Course & Medical School Certificate Course.	480	220	85	115
6. M. B. B. S. Degree Course & Bachelor Engg. Courses.	540	250	160	250
DAY SCHOLAR				
1. I. A. I. Sc. Diploma Course in Agriculture & Veterinary Science.	300	70	70	100
2. B. A., B. Sc. & B. Sc. Ag.	300	75	75	150
3. M.A., M. Sc.	300	160	120	200
4. Teacher's Training Course :				
(a) Post-graduate Course	250	75	75	220
(b) Diploma Course	250	75	75	160
5. Engineering (Technological) Diploma Course and Medical School Certificates Courses.	360	220	85	115
6. M. B. B. S. Degree Course and Bachelor of Engg. Courses.	420	250	160	205

No. R. & R. 140 (3)—11
GOVERNMENT OF INDIA
MINISTRY OF RELIEF & REHABILITATION
New Delhi, 30th December 1947.

From

N. C. Shrivastava, Esquire, I. C. S.,
Dy. Secretary to Government of India,
New Delhi.

To

The Chief Commissioner,
Delhi.

Sir,

I am directed to forward a scheme for the grant of loans to persons displaced from urban areas in West Pakistan who have arrived in the Indian Union as refugees. The grant of loans under this scheme should be confined to persons who decide to settle finally in the area under your juriadiction and who can be fitted into the economy of the area. For example, if 200 tailors can be absorbed in a city lese it would be incorrect to give advances to 500 tailors. Again, if there are already too many blacksmiths in a certain place it would be absolutely uneconomical to grant advances to other blacksmiths. The scheme should be administered with the help of an Advisory Committee consisting of three non-official members under the chairmanship of the Deputy Commissioner or other responsible officer authorised by you to administer the scheme.

2. In Delhi the scheme will be administered by the Additional Deputy Commissioner proposed to be appointed. He will be helped by an Advisory Committee consisting of :—

1. Dr. Ratanlal Sharda.
2. Mrs. Savitri Dularilal Bhargav.
3. Sardar Mohan Singh.

Until the Additional Deputy Commissioner is appointed, one of the officers in the Delhi Administration may be entrusted with this work.

3. The scheme should now be announced immediately and applications invited.

4. A report on the working of the scheme should be submitted monthly to this Ministry. The first report should be sent by the 7th Feby., 1948 and thereafter by the 7th of every month.

I have the honour to be,
Sir,
Your most obedient servant,
N. C. Shrivastava
Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA

MINISTRY OF RELIEF & REHABILITATION

SCHEME FOR GRANT OF LOANS TO DISPLACED PERSONS BELONGING TO URBAN AREAS IN WEST PAKISTAN

(1) The object of the scheme is to help the resettlement of traders, shopkeepers, artisans, persons wishing to start their own workshops or cottage industries, doctors (including Vaids, Hakims and Homeopaths) and Lawyers. The advance may be utilised for the purchase of tools of trade, equipment, stock in trade, raw materials, books etc.

(2) Advances will be paid by the district authorities of the district in which the person decide to settle finally.

(3) The amount of advance will be determined according to individual requirements but will not exceed Rs. 500 in any case.

(4) Persons who wish to apply for the advance should produce proof of their having been registered as refugees and sign an affidavit to the effect that they have not previously received similar advance under this scheme from any other source.

(5) The authority sanctioning the advance will ensure that it is utilised for the purpose for which it is granted, and will also keep a watch on the person's resettlement.

(6) Advance will be free of interest for the first year, but interest will be charged at 3 for subsequent years.

(7) No recovery will be made in the first year. Instalments for repayment will be fixed by the sanctioning authority in each case subject to the condition that the advance should be completely repaid within four years from the date it is given.

(8) Payment will be subject to an undertaking to repay. Applicants should produce from two persons, who may themselves be refugees, a guarantee of good character and past solvency in Pakistan. In addition the assets purchased out of the loan will be hypotbecated to Government. If default is made in the repayment of any instalment, the whole advance will become recoverable as arrear of land revenue.

No. R & R.140(3)I.

GOVERNMENT OF INDIA

MINISTRY OF RELIEF & REHABILITATION

New Delhi, 30th December, 1947.

From

N. C. Shrivastava, Esquire, I. C. S.,
Deputy Secretary to the Government of India,
New Delhi.

To

All Provincial Governments.

Sir,

I am directed to forward a scheme for the grant of loans to persons displaced from urban areas in West Pakistan who have arrived in the Indian Union, together with a copy of a letter addressed to the Chief Commissioner, Delhi. This scheme is being put into operation in the Centrally Administered Areas immediately and the Government of India desire that it should also be adopted by the Provincial Governments if considered necessary by them. The total amount which the Provincial Governments may have to advance under this scheme will in all probability be so small that they will be able to meet it from their own resources. Where, however, this is not possible, the Central Government will be prepared to make a ways-and-means advance on such terms as may be settled between the two Governments.

2. The early settlement of refugees is an urgent problem and the Government of India feel that all help should he given to the refugees in their resettlement. Advances should be made wherever there is prospect of the refugee being absorbed in the economy of the Province.

3. Separate accounts must be kept of these advances and these should be capable of independent audit. Every effort should be made to recover the advances according to the terms and conditions of the scheme. It is conceivable however, that despite all efforts a certain amount of the sums advanced may become irrecoverable. If this happens, the Goverment of India would be prepared to meet bonafide losses, incurred on the working of the scheme, if the Provincial Government so desire. The account of the scheme will be audited by the Accountant General concerned.

4. I am to request that the action which the Provincial Government propose to take to implement the scheme may kindly be intimated to the Government of India as early as possible.

5. A report on the working of the scheme should please be sent monthly, so as to reach the Ministry by the 7th of each month, the first report to be sent by the 7th February, 1948.

I have the honour to be,
Sir,
Your most obedient servant,
N. C. Shrivastava
Deputy Secretary to the Government of India.

No. R.& R. 7/48
GOVERNMENT OF INDIA
MINISTRY OF RELIEF & REHABILITATION.

New Delhi, 20th January 1948.

From

N. C. Shrivastva, Esq., I.C.S.,
Deputy Secretary to the Government of India.

To

All Provincial Governments.
Chief Commissioners.

SUBJECT :—*Rehabilitation Loans for displaced persons belonging to urban areas Doctors and Legal Practitioners*

Sir,

In continuation of this Ministry letter No. R&R-140 (3) 1/11, dated the 30th December 1947, I am directed to state that the Government of India have decided that in the case of the following classes of displaced persons the maximum limit upto which loans may be granted should be Rs. 3,000 (Rupees three thousand) instead of Rs. 500 (Rupees five hundred):—

(a) Doctors including dentists, radiologists, vaids, hakims and homeopaths;
(b) Legal Practitioners.

2. The grant of the loans will be subject to the terms and conditions already intimated in the letter referred to above.

3. The grant of loans should be confined to persons who decide to settle finally in the province of U. P. /etc. and who can be fitted into the economy of the area.

I have the honour to be,
Sir,
Your most obedient servant,
N. C. Shrivastava,
Deputy Secretary to the Government of India.

No. R. & R.-7/48

GOVERNMENT OF INDIA

MINISTRY OF RELIEF & REHABILITATION

New Delhi, the 4th Feb. 1948.

From

N. C. Shrivastava, Esq., I.C.S.,
Deputy Secretary to the Government of India.

To

All Provincial Governments and all Chief Commissioners.

SUBJECT :—*Rehabilitation Loan for displaced persons belonging to urban areas*

Sir,

In continuation of this Ministry letter No. R. & R. 7/48, dated the 20th January 1948, I am directed to state that the Government of India have decided that in the case of the following classes of displaced persons, the maximum limit up to which loans may be granted should be Rs. 5,000 (Rupees Five thousand) instead of Rs. 500 (Rupees five hundred) :—

(a) Traders
(b) Shopkeepers
(c) Persons wishing to start their own workshop or cottage industry.

2. The grant of the above loans will be subject to the terms and conditions already intimated in this Ministry letter No. R. & R..140(3)-I, dated the 30th December, 1947, and the Scheme enclosed therewith.

3. The grant of loans should be confined to persons who decide to settle finally in the Province of U. P./etc. and who can be fitted into the economy of the area.

4. Every assistance should be given to persons to whom loans are sanctioned under the scheme to obtain the necessary equipment, raw-materials, stock-in-trade, premises etc., so that the loan is utilised to the best advantage. Where there are no reasonable prospects of the applicant being able to secure the requisite facilities either through his own effort or with Government assistance, it would be obviously wasteful to sanction a loan.

5. I am to request the Provincial Government to issue instructions to the district authorities immediately to invite applications and sanction loans under this Scheme, if this has not been done already

I have the honour to be,
Sir,
Your most obedient servant,
N. C. Shrivastava,
Deputy Secretary to the Government of India.

Shrimati G. Durgabai: Will the Honourable Minister be pleased to state as to how this total number is composed of, how many are lawyers, how many are doctors, and how the services of the lawyers are utilised?

The Honourable Shri Mohan Lal Saksena: As I have already stated, it is not possible to give exact numbers or roughly the number of lawyers or doctors unless a census is taken.

LOSSES TO INDIANS IN MALAYA DISTURBANCES

366. *Seth Govind Das: Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that certain disturbances have broken out in Malaya;

(b) if so, the losses, if any, caused to the life and property of Indians living there; and

(c) the steps taken to make good the loss?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) Un-official information received by our Representative shows that there has been loss of life in two cases, but no loss of property. The Representative has asked for definite information from the Malayan Governments.

(c) We shall consider what action we should take after we have received definite information.

Shri H. V. Kamath: What is the Government's attitude towards the British policy in Malaya today?

Mr. Speaker: Order, order. I do not think it arises. Next question.

SMUGGLING OF JUTE GOODS TO SOUTH AFRICA

367. *Seth Govind Das: (a) Will the Honourable the Minister of Commerce be pleased to state whether it is a fact that jute goods are being smuggled into South Africa from the Indian Union though a ban exists on such movements?

(b) If so, what steps are being taken to prevent this?

The Honourable Shri K. C. Neogy: (a) The attention of the Government was recently drawn to rumours current in the Calcutta jute market about the alleged re-export or diversion to the Union of South Africa of jute goods permitted to be shipped to certain other permissible destinations. There is, however, no definite evidence so far of such re-exports having actually taken place to South Africa.

(b) Steps so far taken to prevent such re-exports are:

(1) the allotment of the destinational export quotas has been made subject to furnishing of adequate guarantees by the Government of the importing country against re-export. Care has also been taken to fix quotas at a level which would leave little margin for re-export after allowing for a country's own normal minimum requirements.

(2) The Deputy Chief Controller of Exports, Calcutta, who issues licences in these cases have instructions to suspend all shipments to countries where there is the slightest suspicion that goods would be diverted to South Africa. Export of such goods are allowed provided the following conditions are fulfilled: (i) The shipper must sign a bond for a reasonable amount to be determined in relation to the value of the goods, to the effect that the condition prescribed by Government will be fulfilled by him. The amount mentioned in the bond will otherwise be forfeited, (ii) The shippers must produce within, say, a month of the arrival of the steamer in a port of the country of destination, a certificate of entry of the goods into that country, and not merely a landing certificate, (iii) If such certificate is not produced or if the shipper refuses

to sign the bond, he is declared permanently ineligible for any export licence of controlled commodities in future, and (iv) The exporter must also produce an authenticated copy of the import licence, if any issued by the Government of the importing country, covering the particular consignment.

Seth Govind Das: Are Government aware that even last time when a complaint of this kind was made it was thought that it was not correct and later on it was found that jute goods were being smuggled to South Africa?

The Honourable Shri K. C. Neogy: Yes, I know that.

Seth Govind Das: Then will Government be pleased to state whether the restrictions on export which are being imposed now were the same as were imposed last time, or have any new conditions been added?

The Honourable Shri K. C. Neogy: I understand that the restrictions that we have now imposed, about which I have tried to give an idea to the House, are stricter than the restrictions that were imposed on the last occasion.

Inter-Territorial Organisation of East African Colonies

368. ***Seth Govind Das:** Will the Honourable the Prime Minister be pleased to state:

(a) whether the inter-territorial organisation of the East African Colonies has come into existence?

(b) Are Indians going to be represented in the Legislature on the basis of their population?

(c) Are communal electorates the basis of representation in respect of different communities living there?

(d) Are Muslims and non-Muslims differentiated in this respect?

The Honourable Pandit Jawaharlal Nehru: (a) Yes.

(b) No, Sir.

(c) There is no elected member in the East African Central Assembly. All un-official members are appointed by the respective Governors of the three territories comprised within the Inter-territorial Organisation. Only in the case of Kenya it is provided that of the unofficial members to be appointed by the Governor, one Indian and one European shall be elected respectively by the elected unofficial Indian and European members of the Kenya Legislative Council voting separately.

(d) No.

Selection for Appointments in Indian Foreign Service

369. ***Shri V. C. Kesava Rao:** (a) Will the Honourable the Prime Minister be pleased to state the conditions of eligibility for appointment in the Indian Foreign Service and the nature of the Selection Committee?

(b) Is it a fact that a selection was held recently; and, if so, were applications invited by means of advertisements in the Press.

The Honourable Pandit Jawaharlal Nehru: (a) and (b). The normal method of recruitment to the Indian Foreign Service is through competitive examination held by the Federal Public Service Commission. Candidates must have attained the age of 21 and should be under the age of 24 on the 1st of August of the year in which the examination is held. There are certain educational qualifications. The candidate should be a national of the Indian Dominion by birth or domicile. This includes a ruler or a citizen of an Indian State which has acceded to Indian Dominion as well as any person in whose favour a declaration of eligibility has been issued by the Government of India.

In view of the urgent necessity for adding to the officers in the Foreign Service, special methods have been adopted, including the appointment of a Special Selection Board consisting of: (i) Secretary-General, Ministry of External Affairs and Commonwealth Relations, (ii) Secretary, Ministry of Commerce, (iii) Chairman of Inter-Universities Board, (iv) Member nominated by the Federal Public Service Commission, and (v) a representative of the Federation of the Chambers of Commerce.

This Board makes *ad hoc* recruitment from candidates between the ages of 25 and 45. Persons who may be recruited are: (a) Indians holding degrees from Indian Universities, (b) Indians possessing Foreign University qualifications, and (c) Members of the legal professions, of the business community and individuals possessing special experience or aptitude for Foreign Service.

The appointment of this Special Selection Board was an emergency measure in order to accelerate initial recruitment.

Prof. N. G. Ranga: In view of the fact that on several similar selection boards this House has been represented, will Government consider the advisability of taking suitable steps to see that this House is also represented there in a suitable manner?

The Honourable Pandit Jawaharlal Nehru: I do not know which selection boards the Honourable Member refers to, but the selection board of this type normally is the Federal Public Service Commission on which presumably this House is not represented. I am afraid I cannot give an answer straightoff to that question. This particular Board is an emergency board which has done most of its work already, and it would hardly be desirable or feasible to change or alter it now in the concluding stages of its work.

Prof. N. G. Ranga: Anyhow will Government keep in mind this desire of the House and on future occasions try to give proper consideration to this representation?

The Honourable Pandit Jawaharlal Nehru: I am not at all sure that it is the desire though it is the Honourable Member's desire. If the House asks me I must.

Prof. N. G. Ranga: But the Honourable Speaker is aware of how the desire of the House is expressed except on occasions when we have to pass a resolution. And I should like to draw the Prime Minister's attention to the fact that on the Indian Administrative Service Board this House has been represented.

The Honourable Pandit Jawaharlal Nehru: This is obviously a matter which the Honourable Member who is himself a member of the Standing Committee of External Affairs could have brought up there for discussion and consideration.

Prof. N. G. Ranga: That is why I want Government to consider it.

Dr. P. S. Deshmukh: May I know how many appointments have so far been made on the recommendation of this Committee?

The Honourable Pandit Jawaharlal Nehru: I am afraid I have not got the figures.

Shri Ajit Prasad Jain: For how long do Government propose to make recruitment through this special Board?

The Honourable Pandit Jawaharlal Nehru: I cannot give exact date but, as I have indicated, as soon as these initial vacancies are filled the Board will presumably cease to exist.

Shri M. Tirumala Rao: Does the birth of an applicant in the family of a ruler or a big zamindar entitle him to have any exemption from those qualifications which other candidates are subjected to?

The Honourable Pandit Jawaharlal Nehru: The question implies a certain condemnation of Government. If the honourable member wishes to discuss the matter I can do it separately but not in reply to a question. I resent that question.

Shri M. Tirumala Rao: It was a *bona-fide* question and there was no intention of condemning Government. I merely wanted to know whether high birth is taken into account in making diplomatic appointments in the Western countries.

The Honourable Pandit Jawaharlal Nehru: The honourable member asked whether qualifications are weighed because of birth, etc. I said that if Government did it they would be deserving of condemnation. What is considered and what is essential in selecting a candidate for foreign service is his aptitude for the post, which is the most important factor; that is to say, a person may have got a First Class in the University but he may be completely unable to adapt himself to the peculiar environments and surroundings of the place where he may have to go, and, if I may say so, a factor which cannot be ignored is the aptitude of the candidate's wife.

Shri L. Krishnaswami Bharati: Are applications invited for these posts, or are selections made in any other manner?

The Honourable Pandit Jawaharlal Nehru: I have an idea that advertisements were issued apart from other means, *e.g.*, the University Vice-Chancellors were addressed on the subject for any special persons they or their universities could recommend; the Chambers of Commerce were addressed and various other organisations were addressed. Also advertisements were put in.

Pandit Lakshmi Kanta Maitra: May I know if the initial requirements for recruitment have been met by any one?

The Honourable Pandit Jawaharlal Nehru: I cannot say off-hand, but I think largely they must have been met.

Pandit Lakshmi Kanta Maitra: Has this Selection Board been functioning side by side with the Federal Public Service Commission which has been holding competitive examinations for the specific purpose of recruitment to foreign service?

The Honourable Pandit Jawaharlal Nehru: Apart from competitive examinations there is something more about it. The Federal Public Service Commission were also asked to do this special job, because after the competitive examination people will begin to serve a year or two later as they have to undergo training for that period. Therefore the Commission were asked to choose people directly apart from the examination; and they in fact did choose people directly. But their process was very slow and various other things intervened, so that a special board was put up to accelerate that process by this recruitment of higher age groups.

Shri Mahavir Tyagi: Did this special board also hold competitive examinations or did they proceed on recommendations?

The Honourable Pandit Jawaharlal Nehru: There were interviews only and no examinations other than might be involved in interviews.

Shri Ajit Prasad Jain: What is the number of officers proposed to be recruited during the present financial year?

The Honourable Pandit Jawaharlal Nehru: I am afraid I have not got the figures with me here.

Shri Mahavir Tyagi: Are these recruitments temporary or permanent?

The Honourable Pandit Jawaharlal Nehru: They are permanent subject to the fact that they have to justify themselves within this period. If they do not, the appointment ends; but they are permanent otherwise.

Shri H. V. Kamath: Are they probationers?

Mr. Speaker: Next question.

APPOINTMENT OF TRADE COMMISSIONERS

370. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Commerce be pleased to state the countries in which Trade Commissioners have been appointed after the 15th August, 1947?

(b) What are the rules governing the selection of Trade Commissioners?

(c) Are these posts open only to people in service or also to others?

The Honourable Shri K. C. Neogy: (a) Trade Commissioners or officers of a similar status have been appointed to Ceylon, Japan, Pakistan, Burma and the United Kingdom since the 15th August 1947.

(b) and (c). Trade Commissioners are now mainly selected from the Indian Foreign Service cadre. I would invite the Honourable Member's attention in this connection to the reply just given by the Honourable the Prime Minister to starred question No. 369.

RESEARCH WORK AT CENTRAL WATERWAYS, IRRIGATION AND NAVIGATION STATION, POONA

371. *Shri V. C. Kesava Rao: Will the Honourable Minister of Works, Mines and Power be pleased to state what research is being done at the Central Waterways, Irrigation and Navigation Station, Poona?

The Honourable Shri N. V. Gadgil: The details of research work being done at present in the Central Waterways, Irrigation and Navigation Research Station at Poona are given in the statement placed on the table. In general this Station carries out researches in river and canal hydraulics, navigation, concrete and materials of construction, soil mechanics, allied sciences and also hydro-electric machinery. At present the Station has extremely limited space and cannot be fully equipped with personnel or apparatus to carry out these researches on adequate scale. A good deal of equipment had to be procured and staff recruited, but unless adequate area is made available, any considerable expansion of essential activities will not be possible. When, however, adequate area of land has been acquired and the Station is enlarged and fully reorganised, it will be possible to undertake full scale researches in every branch of engineering connected with the development of water resources in the country.

Statement

Showing details of Research work done at present in the Central Waterways, Irrigation and Navigation Research Station, Poona.

There are at present two sections at the Station, *viz.*,

(*a*) River and Canal Hydraulics Section, and (*b*) Statistical Section.

Under (*a*) above, the following type of work is done:

(*i*) Training of Rivers.

(*ii*) Tidal waters.

(*iii*) Flow in open channels.

(*iv*) Meanders, Silt charge, bed load, avulsion, cut offs.

(*v*) Spurs, islands, guide banks, etc.

(*vi*) Control of sand entering canals taking off upstream of barrages, anicuts.

(*vii*) Spillways *e.g.*, Siphon Spillways.

(*viii*) High Coefficient weirs.

(ix) Falls and Flumes.
(x) Factors affecting curvature of flow.
(xi) Design of canals
(xii) Form of piers.
In addition, problems of training rivers, falls, flumes, water supply, etc. are tackled.

Under (b) above, the following type of work is done:

(i) Data of rainfall and run-off.
(ii) Stable sections of Channels.
(iii) Accretion of river levels.
(iv) Date of experiments carried out at the Station.

There is also a small laboratory, which carries out sand and silt analysis.

The Station carries out work on the above subjects for Railways, Military and various Irrigation Departments and Port Authorities, etc.

Dr. P. S. Deshmukh: Are there any officers carrying on research in Poona from Delhi?

The Honourable Shri N. V. Gadgil: None.

Prof. N. G. Ranga: Have Government any schemes included in the plant that the Honourable the Minister has referred to for training some engineers also at this particular place?

The Honourable Shri N. V. Gadgil: There are no plans yet of that character.

Shrimati G. Durgabai: What is the total number of Research officers working in all these departments and are there any women?

The Honourable Shri N. V. Gadgil: As regards the latter part of the question there are no women employed as yet. As regards the first part, there are seven sections in the station in which research work is carried on.

Shrimati G. Durgabai: Is it not a fact that some women applied but their appli[illegible]

The Honourable Shri N. V. Gadgil: It is not a fact. Recruitment has yet to be made and I think the interviews are being taken by the Federal Public Service Commission in the course of this week.

Shri M. Tirumala Rao: Can the Honourable Minister give information whether any investigation is being carried on just now in the Research Station for the Ramapada Sagar Project?

The Honourable Shri N. V. Gadgil: So far as the investigation of Ramapada Sagar Project is concerned research was made in the Research Station at Pundi near Madras.

Prof. N. G. Ranga: In view of the fact that several of our own engineers have been sent to the Tennessee Valley to study flood control problems, would Government themselves consider the advisability of trying to train some of our own engineers in this particular research in regard to these problems?

The Honourable Shri N. V. Gadgil: This will be borne in mind.

Pandit Lakshmi Kanta Maitra: I take it that in this Research Institute you are giving specialised training to the probationer engineers?

The Honourable Shri N. V. Gadgil: Of course.

FINANCIAL ASSISTANCE TO STUDENTS OF CAMP COLLEGE, DELHI.

372. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state the total number of applications received for financial assistance from the students of the Camp College at Delhi?

(b) How many of them have received help from Government?

The Honourable Shri Mohan Lal Saksena: (a) 856.

(b) 498.

RETURN OF MUSLIM EVACUEES FROM WESTERN PAKISTAN

373. *Shri Basanta Kumar Das: Will the Honourable Minister of Without Portfolio be pleased to state:

(a) the number of Muslim evacuees who have returned to India from Western Pakistan;

(b) whether they are returning with permits from the High Commissioner for India, and if so, what the number of such persons is;

(c) how their cases are being disposed of;

(d) whether they are being resettled in their original homes; and

(e) whether there has been any agreement with the Government of Pakistan in this respect and if so, on what terms?

The Honourable Shri N. Gopalaswami Ayyangar: (a) No reliable figures are available of the Muslims who had returned to India before the introduction of the permit system, but according to the figures supplied by the Pakistan Minister of Refugees at a conference, nearly 52,000 Muslims returned to India during three months (April to June) by the Jodhpur route only. During the period 19th July 1948 upto the 11th August 1948 our Deputy High Commissioner in Lahore issued temporary permits to 2,099 Muslims. The High Commissioner at Karachi has reported that speaking generally about 300 permits are issued daily to Muslims from Karachi.

(b) The permits are issued by the High Commissioner for India, Karachi and the Deputy High Commissioner for India, Lahore. The number of persons returning with permits is as given under (a) above.

(c) There are two classes of permits, one for temporary visits and the other for resettlement. Those who wish to come to India on temporary visits have to state the purpose of their visits, the stations to be visited and their addresses in India. The applications of those who wish to return to India for permanent resettlement have to be referred to the province or state in which they wish to settle down. It is only if the province or state concerned agrees to take back the persons concerned that permits for permanent resettlement can be issued. The High Commissioner and the Deputy High Commissioner are required to see personally that these conditions are fulfilled before issuing a permit for permanent resettlement.

(d) No permits for permanent resettlement have so far been issued.

(e) No; On the other hand, Pakistan has objected to the introduction of our permit system and at an Inter-Dominion conference on the 22nd July 1948 Pakistan representatives stated that if we did not withdraw it they might be obliged to introduce a similar system in the whole of Pakistan.

Shri Khurshed Lal: Have the Government devised any machinery to ensure that the people who come on the basis of temporary permits do actually return?

The Honourable Shri N. Gopalaswami Ayyangar: A triplicate copy of the permit is sent to the Chief Police Officer of the area which a temporary permit-holder is supposed to visit, and he sees to it that such permit-holders do return.

Dr. P. S. Deshmukh: Would the Honourable Minister state the position of non-Muslim evacuees from Pakistan wishing to go back to Pakistan?

The Honourable Shri N. Gopalaswami Ayyangar: They require no permits from us!

Shri H. V. Kamath: In view of the fact that Pakistan has intensified her drive in Kashmir, and in view of the reported fall of Skardu, do Government propose to tighten up restrictions on the return of refugees from Pakistan to India?

The Honourable Shri N. Gopalaswami Ayyangar: They have devised this particular method of restricting their coming back to India, and as I have already indicated in one of the answers I read out, actually there has been no permit issued from the 19th July up to date for permanent resettlement in India.

Shri Ajit Prasad Jain: What is the position of a person who comes under a temporary permit but chooses to stay permanently? Is there any law according to which he is dealt with?

The Honourable Shri N. Gopalaswami Ayyangar: The permits are issued under an Ordinance and that Ordinance provides penalties for people who commit breaches of the conditions of the permit.

Sardar Hukam Singh: Is the policy settled that no permanent permit shall be issued for the permanent resettlement of Muslims returning to India? Or is it by chance that so far none has been issued?

The Honourable Shri N. Gopalaswami Ayyangar: The policy is that permits for permanent resettlement may be issued in cases where they want to go to areas—not objected to and the policy the Government adopts in regard to rehabilitation of refugees is not prejudiced. The fact that there have been no permanent permits so far, is, I believe, a matter of accident.

Shri H. V. Kamath: Do Government propose to ban the return of refugees from Pakistan to India until the war in Kashmir between India and Pakistan comes to a close?

The Honourable Shri N. Gopalaswami Ayyangar: There is no such policy at present.

Dr. B. V. Keskar: Has any person been punished for returning on a temporary permit and remaining here permanently?

Mr. Speaker: I think that question has been disposed of.

Dr. B. V. Keskar: He says there is a penalty attached to it. Has any conviction taken place up till now?

The Honourable Shri N. Gopalaswami Ayyangar: I have not heard of any yet.

Shri H. V. Kamath: Does not the present policy of Government, jeopardise our military security and expediency?

Mr. Speaker: Order, order.

Sardar Hukam Singh: If permits are issued for permanent resettlement in future, have Government decided on a policy, should the actual owners turn up, with regard to the fate of those refugees who have settled in and occupied houses in consequence of proper allotment by a competent authority?

The Honourable Shri N. Gopalaswami Ayyangar: I have already answered this question. Permits for permanent resettlement are intended to be issued in cases which are not likely to prejudice the rehabilitation of non-Muslims who have come over here from the other side.

Mr. Speaker: The Question Hour is Over.

(*b*) WRITTEN ANSWERS

DEMANDS OF GOVERNMENT OF INDIA PRESS WORKERS' UNION, ALIGARH.

374. *Shri Damodar Swarup Seth: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government have received any list of demands made by the Government of India Press Workers' Union, Aligarh; and

(b) the action which Government have taken or which they propose to take on the demands?

The Honourable Shri N. V. Gadgil: (a) The honourable member is apparently referring to the demands recently made by the Government of India Press Workers' Union, Aligarh, at their Eighth Annual Conference held recently at Aligarh. If so, these demands have not yet been communicated to the Government of India through regular channel.

(b) Does not arise?.

CONTRIBUTION FOR BUILDING OF ORISSA'S CAPITAL AT BHUVANESHWAR

375. *Shri Lakshminarayan Sahu: Will the Honourable the Prime Minister be pleased to state how much the Government of India propose to pay towards the cost of the construction of the new capital of Orissa at Bhubaneshwar?

The Honourable Pandit Jawaharlal Nehru: Government of India have sanctioned a grant of Rs. 132 lakhs to the Government of Orissa towards the construction of the new Capital at Bhubaneshwar.

COMPARATIVE INCOME IN INDIA AND *Per capita* FOREIGN COUNTRIES

376. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Commerce be pleased to state:

(a) the average income per head of population in the country;

(b) the corresponding income per head of population in England, the United States of America, Canada, Australia and Russia; and

(c) the target now aimed at for raising the *per capita* income in India?

The Honourable Shri K. C. Neogy: (a) According to an estimate made in the Ministry of Commerce at the request of the United Nations Secretariat, the income per head during the official year 1945-46, for the territory then known as British India, was Rs. 198. If provinces of Indian Dominion alone were considered this figure would increase to Rs. 204.

(b) According to the latest available information, corresponding figures for 1946 in the case of Australia and for 1947 with regard to Canada, U. K. and U. S. A. are as below:

Country	*Per capita* income (in national currency)	
Australia :	Australian £(A) 169.4	Rs. 1,799
Canada :	Canadian $360	Rs. 2,868
U.K. :	176.2	Rs. 2,865
U.S.A :	U.S. $1,406	Rs. 4,668

Figures for the U. S. S. R. are not available.

(c) No question of fixing a target for the *per capita* income of the country can arise. Government's whole policy is directed towards raising the standard of living to the highest possible level.

FAILURE TO UTILIZE TOTAL STERLING RELEASED BY IMPORT OF CAPITAL GOODS

377. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that 80 million sterling out of the 83 million which the British Government undertook to release during the past one year has not been availed of by India?

(b) If so, what is the reason therefor?

(c) How many applications for the import of capital goods were received during the last three years and of what value were they?

(d) How many were granted and how many were rejected, and out of those granted how many have been availed of during the years 1945-46, 1946-47 and 1947-48?

(e) Has any programme been worked out for the importation of capital goods during the coming three years of the agreement so as to utilise fully the amount of sterling undertaken to be released by the British Government?

(f) Is there a proposal to obtain capital goods from the United States of America and other hard currency areas as also soft currency areas outside the United Kingdom during the coming years and if so, of what value?

(g) What are the means proposed to be adopted to pay for them?

The Honourable Shri K. C. Neogy: (a) The amount of sterling balances transferred as a result of negotiations with the Government of United Kingdom between 15th July 1947 and 30th June 1948 was £83 million. In addition India obtained a loan of £11 million in 1948 from the International Monetary Fund to meet the current dollar deficit. This loan amount was also credited to Account No. I maintained by the Reserve Bank of India to which the sterling releases were credited. The balance in Account No. I on 30th June 1948 was £80 million. Thus we utilised an amount of 14 million (Rs. 19 crores) from the transfers to meet our adverse overall balance of payments between 15th July 1947 and 30th June, 1948.

The net balance in Account No. I of the Reserve Bank represents the difference between our current exchange earnings and disbursements. Earnings comprise sale proceeds realised from our exports and invisible receipts, transfers from No. 2 account and loans from the International Monetary Fund Disbursements comprise expenditure incurred in purchase made on Government and commercial accounts and miscellaneous payments made overseas.

(b) The reasons why the sterling balances released between July-December 1947 and June 1948 could not be fully utilized were:

(i) In estimating the quantum of exchange available from exports and in the preparation of import licensing programmes, we had no previous experience to guide us.

(ii) Owing to the system of six-monthly releases from sterling balances it was not possible to plan for longer periods and the planning of export and import policies was therefore made with a considerable degree of caution.

(iii) The actual proceeds from exports exceeded the estimated amount, the excess being partly due to our being able to export larger quantities than expected and partly as the result of better prices being received for our exports.

(iv) With a view to making the best possible use of our limited sterling resources greater emphasis was placed, in drawing up the import licensing programme, on the issue of licences for capital goods and industrial raw materials, and as a result, imports of consumer goods, other than essential, were restricted, Actual imports, however, failed to reach the anticipated level, as capital goods and industrial raw materials were not available in adequate quantities from the supplying countries. Deliveries were also often protracted.

(v) Imports of capital goods did not also come up to expectation due to the failure to utilize licences.

(c) I would invite the honourable member's attention to the reply given to part (a) of his question No. 355.

(d) I lay on the table a statement containing the requisite information. This information relates to applications for capital goods which are dealt with according to the Capital Goods Licensing Procedure and also covers calendar

year periods as statistics are maintained only for such periods. These statistics do not include licences liberally granted for plant and machinery required for maintenance and repairs and for small industrial units.

No statistics have been kept to show how many of these licences have actually been availed of during these years.

(e) No programme as such has been formulated by Government as applications for import of capital goods are generally made by industrialists and traders. I may invite the attention of the honourable member to the Commerce Ministry Public Notice of the 10th April 1948 which states the details of the capital goods licensing procedure followed. As regards unplanned industries, applications for import of capital goods are considered on the basis of their general essentiality and the usefulness of the undertaking to the economy of the country. With regard to planned industries, applications for import of capital goods are accepted only if the proposed undertaking fits into the approved plans for industrial expansion and stabilization.

(f) As already stated, imports of capital goods are largely on private account and practically no exchange restrictions are placed on the import of such goods.

(g) Payments for capital goods whether from soft or hard currency areas will be made from current exchange earnings, releases from sterling balances and if necessary, by loans from International Monetary Fund.

STATEMENT

Showing the number of applications for licences for imports of capital goods received, number of licences granted and number of Applications rejected, and values thereof during the year 1945, 1946 and 1947

Year	Number of applications received	Total value (Rs.) in l khs)	Number of applications accepted	Total value (Rs.) (in lakhs)	Number of applications rejected	Total value (Rs.) (in lakhs approximately)	Remarks
1945	2245	119,15	1239	37,54	59	4,70	As regards remaining applications, they have either been closed in the absence of details which were called from applicants or they have been carried forward to subsequent period in process of consideration
1946	25,27	88,99	2290	41,93	165	24,07	Do.
1947	2200	83,07	1644	40,80	185	4,80	Do.

MULTI-PURPOSE SCHEMES

378. *Shri Biswanath Das: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the names and number of multi-purpose schemes taken on hand as also those under investigation, preliminary or final; and

(b) the progress made in each case?

The Honourable Shri N. V. Gadgil: (a) and (b). A list giving the necessary details is placed on the table. This includes schemes taken in hand by the Central Waterpower, Irrigation and Navigation Commission, as also schemes taken in hand by Provincial and State Governments and the Damodar Valley Corporation. The statement incorporates the latest available information in the Government of India Secretariat.

STATEMENT

Serial No.	Name of Scheme	Progress
	Schemes under construction.	
1.	Damodar Valley Development Scheme (Damodar Valley Corporation).	Preliminary investigations were completed. Further investigations are being carried out. The Damodar Valley Corporation was set up on 7-7-48. Detailed estimates for the execution of the scheme have been worked out and tenders are being invited for the construction of the dam. It is hoped to take up construction after monsoon this year.
2.	Mahandi Valley Scheme (Orissa)	It consists of three dams out of which one viz., Hirakud Dam is under construction while the other two are under preliminary investigation. *Hirakud Dam Project:* Foundation concrete was laid by the Hon'ble Prime Minister on the 12th April 1948. Labour huts and staff quarters completed. Work of road and rail communications started. Necessary construction machinery and plant being procured.
3.	Bhakra Dam Project (East Punjab)	Road and railway communications have been established. Staff quarters have been mostly completed. Work on the pilot headings for the diversion tunnels has commenced. Requisite plant and machinery are being obtained. Construction on Nangal barrage and canals have well advanced.
4.	Tunga bhadra Dam Project (Madras)	Building materials are being collected. The masonry wall of the coffer dam is under construction. Excavation for foundation of the dam is in progress but concreting cannot start as the line had to come from Hyderabad. The work is for the present at a standstill. Excavation of canals and the masonry works on them are in progress. Construction of quarter nearly complete. Railway station and quarters are under construction.

Serial No.	Name of Scheme	Progress
5.	Rihand Dam Project (United Provinces)	Project estimate has been sanctioned. Contract for detailed design has been finalised. Access roads and buildings are under construction.
6.	Mor Reservoir Project (West Bengal and Bihar).	The Government of Bihar have agreed to in principle to the construction of this dam but the details about resettlement of the displaced population are still being settled. Design of barrage has nearly been completed. Building materials are being collected and machinery being arranged. Earth work in afflux bunds and canals is in progress.
7.	Bhadra Dam Project (Mysore) . .	Temporary quarters and communications have been completed. Site clearance and excavation of foundations have started.
	Scheme under investigations.	
1.	Kosi Dam Project (Nepal and Bihar) .	Geological investigations are in progress. Barrage site has been selected. Field Surveys are in progress. Hydrological and meteorological data are being collected. Lay out and design are in progress. Geological studies indicate that a high dam at this site is feasible. The best world advice is being obtained in respect of design features against earthquake. Proposals are under consideration for the construction of a 40 mile access railway line to speed up work on the barrage and dam. The investigations and preliminary arrangements for construction are being given top priority.
2.	Ramapadasagar Reservoir Project (Madras).	Detailed investigations are nearing completion. Designs have been prepared in the first stage and estimates are being sent up for sanction.
3.	Tapti Valley Scheme (Bombay) — (a) Ukai Dam and Kakarpar Barrage.	Hydrological and meteorological observations are in progress. Surveys for right bank and left bank canals and barrage site are nearly complete. It is the intention to take up construction work on the barrage at a very early date after the surveys have been examined in detail.
	(b) Girna Project	Investigations are nearing completion.
4.	Narbada Valley Scheme (Bombay) & C.P.	Hydrological studies of the whole basin are in progress. Preliminary survey of 3 priority projects viz. Bargi, Tawa and Punasa are under way. Tools and plant for the surveys and foundation explorations are on order.
5.	Mahanadi Valley Scheme (Orissa)— (a) Tikarpara Dam Project	Geological investigations are in progress. Temporary buildings for the staff are nearing completion. Earthen road on the left bank has been completed. Gauge discharge, soil and meteorological observations are being carried out.

Serial No.	Name of Scheme	Progress
	(b) Naraj Dam Project . . .	Geological investigations are in progress. All temporary buildings have been completed. Gauge, discharge and silt observations are being continued.
6.	Sabarmati Dam Project (Bombay & Baroda State).	Preliminary report has been prepared and estimate for detailed investigations is awating sanction.
7.	Brahmaputra Valley Scheme (Assam)—	
	(a) Dhubang Project . .	Preliminary investigations have been started.
	(b) Manas Project	Recruitment of staff for survey work is under way.
8.	Nayar Dam Project (U.P.) . . .	Geological investigations have been completed. Final recommendations of Dr. Savage are awaited.
9.	Ramganga Dam Project (U.P.) . .	Surveys and Geological explorations are in hand. Hydrological data are being collected.
10.	Wainganga Project (C.P.) . .	Dam site is under investigation. Preliminary Geological examination has been completed.
11.	Chambal Valley Scheme (Madhyabharat and Rajasthan).	Three separate schemes for dams on the Chambal were under investigations by Indore, Mewar and Kotah States. As the states have merged into unions, a technical Board has been formed to further the investigations for the three dams and a pick up weir for irrigation.
12.	Krishna Pennar Project (Madras) . .	Preliminary work in progress.

POLITICAL CONVICTS OF "QUIT INDIA" STRUGGLE STILL IN SIND JAILS

379. *Shri H. V. Kamath: Will the Honourable the Prime Minister be pleased to refer to his answer to my Starred Question No. 1317 on the 7th April, 1948, and state:

(a) the number of political prisoners who as the result of conviction for offences committed in the course of the "Quit India" struggle of 1942, are still serving their sentences in Sind jails;

(b) whether Government will take up their cases with the Government of Pakistan;

(c) whether Government are aware that arrest warrants issued by the Government of Sind in 1942 against some persons who absconded from Sind have not yet been withdrawn; and

(d) whether Government will consider the question of assuring such persons immunity from arrest or extradition in the event of their discovering themselves within the territory of the Indian Union?

The Honourable Pandit Jawaharlal Nehru: (a) to (c). I am sorry to say that I cannot add anything to the answer I gave to a similar question by the honourable member on 7th April 1948. We have not yet been able to secure the necessary information from the Pakistan Government in spite of reminders. As I stated on the previous occasion, I will lay the information on the table of the House as soon as it becomes available, and will take such further action as may be considered necessary.

(d) This matter is being referred to the Home Ministry for favourable consideration.

APPOINTMENT OF PEASANT WELFARE OFFICERS

360. *Ch. Ranbir Singh: (a) Will the Honourable Minister of Labour be pleased to state whether any welfare officer for agricultural labourers and peasant proprietors has been appointed by Government to raise the general standard of the masses?

(b) If the answer to part (a) above be in the negative, do Government propose to appoint Peasant Welfare Officers in the near future?

The Honourable Shri Jagjivan Ram: (a) No.

(b) No. Government, however, propose to hold an enquiry to ascertain the systems and levels of wages and perquisites paid to agricultural workers, their other earnings, regularity of employment, and working and living conditions with a view to considering what steps should be taken to improve their conditions of employment. This inquiry will also provide valuable data for the fixation of Minimum Wages under the Minimum Wages Act.

FAILURE TO USE ALL STERLING RELEASED BY IMPORT OF CAPITAL GOODS

381. *Shri R. R. Diwakar: (a) Will the Honourable Minister of Commerce be pleased to state why India did not make use of all the 'amounts sterling' released till June, 1948?

(b) What was the number of applications received during the last financial year for import permits and for what amounts were they?

(c) How many of them were for capital goods and of what value were they?

(d) What was India's share of the export of capital goods from Britain during the period from August, 1947 to June, 1948?

(e) Did the departments concerned issue any notifications inviting applications from importers for import permits?

(f) In the absence of applications for import permits, could not Government make use of the amount of sterling released for import of either capital goods or consumer goods?

(g) Is it a fact that British Manufacturers' quotations were inordinately high and more so in regard to capital goods?

The Honourable Shri K. C. Neogy: (a) I would invite the honourable member's attention to the reply given to part (b) of Question No. 377 by Shri M. Ananthasayanam Ayyangar.

(b) Statistics of the applications received are available only by half-yearly periods ending 30th June and 31st December. The number of applications received during the 12 months ending 30th June 1948 were 8,23,858. It has not been possible to compile the total value of these applications.

(c) I would invite the honourable member's attention to the reply given to part (a) of question No. 355 by Shri M. Ananthasayanam Ayyangar.

(d) According to the figures ascertained from the United Kingdom authorities, of the total machinery exports of £181 million exported from the United Kingdom to all countries, machinery to the value of £30 million was exported to India and Pakistan in 1947. During the first quarter of 1948, machinery exports to India were £8 million and total exports to all countries £56 million. India's share in the export of capital goods from Britain was therefore 12½ per cent. during the first quarter of 1948. The similar proportion for India and Pakistan was 17 per cent. in 1947.

(e) Notifications inviting applications from importers for import permits were issued on 25th July 1947 in respect of the July-December 1947 licensing period. A similar notification for the January-June 1948 period was issued on 12th December 1947.

(f) As stated above, the number of applications received for import permits was by no means small. The actual imports were however limited because of the difficulties regarding supply from overseas of the types of goods for which licences were issued. Government however continued to make the fullest possible use of these balances to meet all their requirements of goods from abroad, but they could not obviously take upon themselves the responsibility for importing goods intended for private consumption on Government account.

(g) Complaints have often been made by individual importers that British manufacturers' quotations for capital goods were inordinately high. In most cases, however, especially in the case of capital goods, it is not possible to make a comparison of prices as plant and machinery obtained from different sources vary in character, specifications and performance. In a few cases, however, in which enquiries were made, no conclusive evidence could be found that prices quoted by British manufacturers were particularly high.

TRANSFERRED STARRED QUESTIONS AND ANSWERS†

UNAUTHORISED SALE OF R.A.F. AIRCRAFTS BY CAPTAIN ROWAN

222. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that two R. A. F. aircrafts were repaired in 1945 and flown by Captain Rowan to Delhi from Kanpur?

(b) If so, who was this Captain and with what object did he take the crafts to Delhi?

(c) Are Government aware that he defaced the original number of the crafts and sold them?

(d) If so, to whom were the crafts sold and at what price? What was their original price?

(e) Are Government aware that the said Captain has since left and is now in U. K.?

(f) Do Government propose to take steps against him?

The Honourable Mr. Rafi Ahmad Kidwai: (a) to (f). The officer referred to in the question is Captain F. H. Rowan, an Aeronautical Inspector in the Civil Aviation Directorate. He proceeded on leave ex-India on the 25th October 1946. Since the expiry of his leave, he has been absent from his duties without permission. A case has been lodged against him by the police alleging that he got two Proctor Aeroplanes belonging to the Royal Air Force condemned as scrap, bought them at nominal value and resold them to Messrs. Piloo D. Sidhwa and V.R.M.A.R.M. Avadiappa Chettiar for a total price of Rs. 26,000. The competent court has been moved for issue extradition (warrants) against Captain Rowan.

AEROPLANE CRASH NEAR KARACHI IN NOVEMBER, 1947

223. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Communications be pleased to refer to the answer to part (a) of my starred question No. 31 asked on 30th January, 1948, regarding a plane crash near Karachi in November 1947, and state whether the said enquiry is now complete?

†The meeting of the Assembly fixed for 19th August, 1948, having been cancelled, the answers to Starred Questions for that day were, in pursuance of convention, laid on the table of the House.—*Ed. of D.*

(b) If not, why not?

(c) Do Government propose to place on the table of the House correspondence exchanged in this connection between the Government of Pakistan and the Government of India and also between the Air India and Government?

The Honourable Mr. Rafi Ahmad Kidwai: (a) and (b). The receipt from the Government of Pakistan of the official report on the accident is still awaited. That Government have been reminded for its early despatch.

(c) No correspondence in the matter except of a purely routine character has passed between the Government of India and the Government of Pakistan. There has been no correspondence between Air India and the Government of India.

PRICES AND QUANTITIES OF WHEAT AND RICE IMPORTED

324. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Food be pleased to state the total quantity of wheat and rice to be imported from foreign countries into India during 1948 together with the prices at which they will be supplied?

(b) What is the total amount spent for the import of rice and wheat from foreign countries during the years, 1945, 1946, 1947 and 1948?

(c) What steps have Government taken to increase the production and reduce the imports?

(d) Is there any definite plan by which the imports are likely to be reduced?

The Honourable Shri Jairamdas Doulatram: (a) The total quantity of wheat to be imported during 1948 is estimated to be 14,05,000 tons at a total cost of approximately Rs. 5,501 lakhs. The total quantity of rice to be imported during the same period is estimated to be 8,63,500 tons at a total cost of approximately Rs. 4,680 lakhs. Wheat will be received mainly from Australia and American countries; while rice will be mainly received from South East Asia.

(b) The figures are as follows:

	Total cost of wheat.	Total cost of rice. (In Lakhs of rupees).
1945	1850	131
1946	4724	1256
1947	3823	2360
1948	5501	4680 (APPROX.)

(c) and (d). Towards the beginning of 1947 the Government of India fixed a target of four million tons of additional cereal production to be achieved by 1952. This was based on the existing deficit in foodgrains. The target was then split up among the provinces by reference to what each province could achieve. The Provincial Governments have prepared their five year 'Grow More Food' plans on the basis of targets fixed for them. The yearly schemes are in the course of execution. It is hoped that the import of foodgrains will progressively reduce as a result of the implementation of Provincial plans for food production. A statement showing the Provincial overall target for five years and the planned targets for 1947-48 and 1948-49 is placed on the table.

STATEMENT

Showing the Provincial overall targets for five years and Planned targets for 1947-48 and 1948-49

Province.	Accepted targets for five years. (lakh tons)	Planned target for 1947-48 (lakh tons)	Planned target for 1948-49 (lakh tons).
Madras	6·50	5·29	4·92
Bombay	2·86	0·57	1·81
C. P. and Berar	2·00	·63	·58
United Provinces	5·00	2·16	5·74
Bihar	3·70	·18	1·00
Orissa	1·50	·12	·20
Assam	1·80	·09	·45
West Bengal	4·00	..	1·85
Punjab	3·00	No programme received.	·24
Total	30·36	9·04	16·29

Note.—A target of 1 million tons has been fixed for the States.

USE OF CHEMICAL FERTILISERS

825. *Mr. B. K. Sidhva: (a) Will the Honourable Minister of Agriculture be pleased to state whether Government have consulted experts regarding the fertility of soil when fertilisers are used?

(b) Are Government aware that the use of fertilisers deteriorates the fertility of soil within a short period?

(c) Is there any report on the use of artificial chemical fertilisers in India or other countries? If so, what is the general opinion on the use of such fertilisers?

The Honourable Shri Jairamdas Doulatram: (a) No special experts have been consulted. But the opinions of experienced Agricultural Officers in regard to the fertility of the soil when fertilizers are used is available. The opinion is that fertilizers by themselves are useful but that they should be used judiciously by reference to the particular nature and extent of deficiencies in the soil and the type of crops intended to be grown.

(b) The present scientific opinion is that the use of fertilizers does not lead to deterioration of soil fertility within a short period. The danger lies only in using fertilizers indiscriminately.

(c) Several experiments have been conducted in India and elsewhere on the use of fertilizers. The following literature gives information on the subject: (i) "Report on Soil Fertility Investigations in India with special reference to manuring" by Dr. A. B. Stewart, (ii) Sethi, R. L. (1943), Manuring of Paddy, I.C.A.R. Misc. Bulletin No. 88, (iii) Panse, V. G. (1945), Manuring of Cotton in India, Bulletin of Indian Central Cotton Committee, (iv) Rege, (1941), Fertilizer Experiments on Sugarcane in India, 1932-39, I.C.A.R. Misc. Bulletin No. 41, and (v) Sahasrabuddhe, (1934), Experiments in Manuring Crops in the Bombay Presidency, 1896-1931. Bombay Government Central Press.

The general opinion on the use of such fertilizers is that their judicious use improves yields of crops.

RISE IN PRICES OF CLOTH AFTER DECONTROL

826. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Industry and Supply be pleased to state what steps Government have taken to check the abnormal increase in prices of various qualities of cloth after decontrol?

(b) Before decontrol did Millowners give any undertaking that they would co-operate with Government in seeing that no underground method would be adopted in the sale of cloth?

(c) What is the percentage of increase in prices after decontrol?

(d) In what parts of India has the greatest increase in prices taken place?

(e) Have any fair price shops been opened by Millowners? If so, at what centres and what is the number of such shops? Have the prices gone down by opening such shops?

(f) Do Government propose to take steps to check the rise in prices? If so, of what nature?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (f). Government have decided to reimpose cloth control over for all practical purposes and the details of the new control scheme have already been made known to the House.

(b) Yes, Sir.

(c) The percentage of increase varied from Province to Province. The peak rise in the prices of cloth since decontrol on the 20th January 1948 was 45 per cent. to 70 per cent. in the case of coarse and medium and 80 per cent. to 250 per cent. in the case of fine and superfine.

(d) The greatest increase took place in deficit areas and in areas on the borders of Pakistan.

(e) The Millowners Association, Bombay, have opened about 20 fair price shops in Bombay City. The opening of these shops has not helped materially in bringing down prices but the upward trend of prices was checked.

SMUGGLING OF ARMS FROM MADRAS TO PAKISTAN BY AIR

827. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Communications be pleased to state whether there are any arrangements already in existence for checking passengers and luggage carried by air from India to Pakistan at the port of entry and at the port of exit? If not, why not?

(b) Has any case come to the notice of Government, of arms being carried secretly by persons proceeding to Pakistan in planes from Madras?

(c) Have any arrangements been made with the Airways authorities to get details regarding the passengers proceeding to Delhi from Pakistan and are the Airways authorities empowered to arrest or detain passengers carrying contraband articles such as arms, ammunition, etc.? If not, why not?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Arrangements which are in force at airports of entry into and departure from India include checking of passengers and luggage from the security as well as customs point of view.

(b) No, Sir.

(c) Customs and security staff are stationed in airports of entry and exit for carrying out the functions mentioned by the honourable member.

MOVEMENT OF GRAM THROUGH RAILWAYS WITHIN THE UNITED PROVINCES

828. *Shri Satish Chandra: (a) Will the Honourable Minister of Food be pleased to state whether Government are aware that the mixture of wheat and gram is the most acceptable substitute to pure wheat in the United Provinces?

(b) Why has gram been excluded from the list of foodgrains which can be moved through railways within the United Provinces?

(c) Do Government propose to take steps to include gram in that list, in view of the deteriorating food situation in the Province?

The Honourable Shri Jairamdas Doulatram: (a) Yes.

(b) and (c). Gram has not been excluded from the list of foodgrains which can be moved through Railways within the U. P. The honourable member is presumably referring to the list of foodgrains the movement of which can be sponsored by the Provincial Government. Ordinarily gram movement gets priority II(A) but if it is sponsored it would get priority I(B). The desirability of upgrading the priority of movement of a particular commodity varies from place to place and time to time and the question of delegating the power of sponsoring gram movement to the U. P. Government is under consideration.

MINIMUM AGE FOR ADMISSION TO INDIAN AGRICULTURAL RESEARCH INSTITUTE

329. ***Shri Satish Chandra:** (a) Will the Honourable Minister of Agriculture be pleased to state whether it is a fact that Graduates of Agriculture who have not attained 21 years of age are ineligible for admission to the Indian Agricultural Research Institute?

(b) On what principle has this minimum age-limit been fixed for admission to this Research Institute?

(c) Do Government propose to consider early steps to do away with such restrictions?

The Honourable Shri Jairamdas Doulatram: (a) Under the present rules the maximum age limit for admission of students to the Indian Agricultural Research Institute is twenty-five years except in the case of a candidate who is already in service and the minimum age is twenty-one years. But the Director has the right to waive this limit in special cases. The right is freely exercised by the Director in favour of candidates who have the required qualifications in other respects. This rule is, therefore, no bar to the admission of deserving students.

(b) In general an applicant when he does not already possess a post graduate degree should have at least three years experience after graduation in the subject in which he wishes to specialise. The age limit of twenty-one years was fixed to confine the admission to students with some experience. But since the introduction at the Institute of the two years post graduate training courses in 1945 this age limit is not rigidly applied.

(c) The rules for admiasion to the Institute are being revised by the Institute Council who will undoubtedly consider this point.

CONSTRUCTION OF BRIDGE OVER BETWA ON DELHI-NAGPUR TRUNK ROAD

330. ***Shri H. V. Kamath:** Will the Honourable Minister of Transport be pleased to refer to the answer to part (c) of my starred question No. 1253 asked on the 6th April, 1948 regarding the construction of a bridge over the river Betwa between Jhansi and Lalitpur on the Delhi-Nagpur Trunk Road and state when the bridge is expected to be built?

The Honourable Dr. John Matthai: A comparatively low priority has been proposed for the construction of a bridge over the Betwa river, and the work is not likely to be undertaken before 1952-53.

TARIFF BOARD REPORT ON TEXTILES

331. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether the Tariff Board has submitted its report on Textiles?

(b) If so, what are their recommendations and will the report be available to the public?

(c) What is the decision of Government on the said report?

(d) In view of the continuous increase in price of cloth do Government propose to expedite the decision on the report?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (d). The Tariff Board have submitted their Report on the prices of cotton textiles. The recommendations made in the Report are being examined and the Government's decision in the matter will be announced shortly.

The question whether the Report should be published or not will be considered after decisions have been taken on the recommendations.

DEVELOPMENT OF COTTAGE INDUSTRIES

332. *Shri R. R. Diwakar: (a) Will the Honourable Minister of Industry and Supply be pleased to state if the plan for the development of small-scale industries is complete?

(b) If so, do Government propose to place it on the table of the House?

(c) Do Government propose to give the highest priority in this plan to the development of Khadi and handloom industry in view of the shortage of cloth?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (c). I presume the question has been asked with reference to the industries which are popularly known as "Cottage industries". The development of such industrial units is a Provincial responsibility, and I believe the Provincial Governments have been concentrating their attention on this subject. No plans have been prepared by the Central Government, but in order to co-ordinate and integrate the working of cottage industries with large scale industries, they have recently set up a Cottage Industries Board. It will start functioning as soon as the Provincial and State Governments and other bodies concerned, have nominated their representatives to serve on the Board.

The Board will have power to appoint sub-committees for particular purposes, and one such sub-committee will deal exclusively with handloom production.

INDUSTRIAL POLICY OF PROVINCE

333. *Shri R. R. Diwakar: (a) Will the Honourable Minister of Industry and Supply be pleased to state if all the provinces have accepted in detail the Industrial Policy adumbrated by the Government of India on the 7th April, 1948?

(b) If so, in what manner have they signified their acceptance?

(c) Do Government propose to lay on the table of the House the industrial policy of the respective Provincial Governments?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). Copies of the statement of Industrial Policy published in the *Gazette of India*, Extraordinary, dated 6th April 1948, were formally sent to all Provincial Governments for information. The Government of India have received no evidence of dissent by Provincial Governments from this policy. I may add that at the Industries Conference held in New Delhi in December, 1947, in which Provincial Governments

participated, the various aspects of industrial policy were discussed and certain unanimous recommendations were made. The Government of India's statement broadly follows these recommendations.

(c) A copy of the statement of Industrial Policy issued by the Government of Bombay is placed on the table of the House. No other statements have been received so far.

GOVERNMENT OF BOMBAY

EDUCATION AND INDUSTRIES DEPARTMENT

RESOLUTION No. 8001 (a).

Bombay Castle, 21st May 1948.

RESOLUTION OF GOVERNMENT

The Government of Bombay has had under consideration for some time the question of future planning of industrial development in this Province. After considering the Reports of the Provincial Industries Committee and its Sub-Committees appointed for the purpose, Government has decided on the policy indicated in the accompanying "Statement of Industrial Policy". The Manager, Government Central Press, should be requested to publish the statement in Part I of the Bombay Government Gazette. The Director of Industries should be requested to supply copies of the "Statement" to important associations and Chamber of Commerce and Industries.

2. The Superintendent, Government Printing and Stationery, should be requested to print sufficient number of copies of the "Statement" for supply to offices and Departments on indent. Fifty copies should be supplied to this Department. The number of copies required by the Director for his use and distribution should be communicated to the Superintendent, Government Printing and Stationery, direct. The cost of printing should be debited to the budget head "43.Industries" for purposes of *pro-forma* accounts.

By order of the Governor of Bombay
(Sd.) D. S. JOSHI,
Joint Secretary to Government.

Appendix to Government Resolution, Education and Industries Department, No-8001 (a) Dated the 21st May 1948.

GOVERNMENT OF BOMBAY.

STATEMENT OF INDUSTRIAL POLICY.

The Government of Bombay appointed in 1945 a representative Committee to make recommendations regarding the future planning of industrial development in the Province. The Reports of this Committee as also of the Sub-Committees appointed by it to deal with various industries separately have already been received by Government. Now that the Government of India have enunciated the principles governing their industrial policy and have formulated a programme of development, the Government of Bombay considers it a suitable opportunity for announcing the lines along which it proposes to deal with the various aspect of industrial development after taking into account the recommendations of the Provincial Industries Committee. In the formulation and carrying out of its programme, Government will, it may be observed at the outset, keep the following general objectives in view:

(*i*) Rapid and all-round development of industry so as to increase the production of wealth and to secure full employment and an adequate standard of living for all.

(*ii*) Dispersal of industry so as to secure a balanced regional distribution and to avoid over-crowding in large towns and cities.

(*iii*) Encouragement of small-scale and cottage industries in order to secure fuller utilisation of available man-power, to provide subsidiary occupations for the rural population, and to decentralise economic and political power.

(*iv*) Regulation and control of industry in the interest of efficient production and equitable distribution and for safeguarding the rights and interests of the workers and consumers.

Government realises that these objectives can be fully attained only if industrial policy is suitably aided by other State measures such as in respect of taxation and capital labour relations.

In order to achieve these ends, it will be necessary, Government recognizes to make a departure from the policy of *laissez faire*. Accordingly, Government is anxious to import a sense

of direction to the organization of available resources of the Province in men and materials and to play an active part in the economic life of the community. With this aim in view, Government will take the initiative in providing facilities for the encouragement of industry and, in in certain spheres, to undertake enterprise on its own.

At present, though industries other than Defence industries are a Provincial subject, some important instruments of State help like the imposition of tariffs, the regulation of railway rates and the exercise of control over imports and exports, which can all be utilized to stimulate industrial development, are controlled by the Centre. The Government of India have now announced their intention to exercise Central control over a number of industries. The war-time restriction on capital issues and on the import of machinery which are still continued, further limit the field for Provincial action in relation to industries. Even so, there is still considerable scope for the pursuit of a vigorous policy by the Provincial Government itself.

General Facilities.—The foundations of any sound industrial structure are ultimately laid on the availability of essential raw materials, power, finance and trained personnel and on the degree of technological advance achieved. To aid in securing these in ample measure, Government has under consideration programmes of geological and forest surveys, for the spread of technical education and for the extension of facilities for industrial research. Government is anxious to see that these programmes are carried out with the utmost expedition so as to remove what have, in the past, proved to be serious handicaps in the way of industrial development. Some progress has already been made in these directions, but much remains to be accomplished in the near future.

There are also certain special forms of assistance to private industry which Government proposes to take in hand in the immediate future. These are: (i) Extension of electric supply to rural areas, (ii) Establishment of an Industrial Finance Corporation, and (iii) Development of Trading Estates.

(1) *Extension of Electric Supply to Rural Areas.*—In order to co-ordinate and develop the production and supply of electric power and to make it available in rural areas, Government has already put into operation the Electric Grid Scheme which, when completed, will cover the entire Province and will give a much-needed impetus to large and small-scale industries. Government attaches special importance to this basic facility for industrial progress.

(2) *Establishment of an Industrial Finance Corporation.*—The absence of a suitable machinery for providing adequate finance for medium and small-scale industries was emphasised by the Provincial and Indian Central Banking Inquiry Committees (1930-31) as well as by the Bombay Economic and Industrial Survey Committee (1940). Accepting the recommendations made by these Committees, Government has decided to set up an Industrial Finance Corporation. This will supplement the activities of a similar Corporation already being established by the Centre, the latter being expected to devote its attention mainly to large enterprises. The question of the constitution and functions of the Corporation and of the form in which Government should be associated with or assist it is still under examination.

Pending the establishment of an industrial finance corporation, Government will give careful consideration to proposals for financial help from new industrial concerns. Whether the assistance should be given in the shape of subscription to part of the share capital or as guarantee of a minimum dividend for a specified period or the purchase of a part or whole of the product depends on the nature and size of the undertaking.

Each such proposal will be dealt with on its own merits and when it is approved Government may claim a share in the profits and participation in the control of such industry. Such an arrangement may be welcome to private parties who are otherwise unable to raise the necessary funds, particularly of the long term variety, for new enterprises.

(3) *Development of Trading Estates.*—In its report published in 1947, the Advisory Planning Board appointed by the Government of India advocated the selection of areas for concentrated development. Pursuant to this suggestion, Government proposes, after suitable investigation, to select a number of areas in the Province, to begin with in those parts which are comparatively backward and which have an adequate supply of labour and raw materials. It is proposed to develop them by clearing and laying out the land and providing certain essential facilities like water supply, drainage, transport and the supply of electricity. The areas will be divided into suitable sites which may be given to private parties, firms and co-operative societies desirous of setting up factories. The areas and the sites may vary in size according to local requirements; and in the allotment of sites, Government will give preference to co-operative enterprise and to such concerns which are comparatively small in size or which do not conflict with cottage industries or which are mainly concerned with the processing of local raw materials. Government expects that the extension of the system of reserved industrial areas will obviate the necessity of private firms having to apply to Government for concessions in land, water etc., a process which often involves delays and therefore hampers the rapid development of new industries. The trading estate will make for the necessary dispersal of industries in a quick and direct manner and will enable Government to provide special facilities for the formation of industrial co-operatives and the promotion of cottage industries.

Co-ordination of large-scale and cottage industries.—Government has already taken special steps to foster the growth of cottage and small-scale industries in order to provide remunerative full-time and part-time employment in rural areas and to enable local raw materials to be worked up into manufactured goods by local labour for local consumption. The lesson of Western Industrialisation in this regard is clear that there is tremendous human sufferings consequent on the sudden disappearance of a familiar domestic industries and subsidiary occupations. Anxious as Government is to avert this calamity and desirous as it is, besides, of avoiding an excessive concentration of economic power in the hands of a few it appreciates the need for positive State action to enable cottage and small-scale industries to the prominent place to which they are entitled in the industrial structure of the Province. Government proposes to rely chiefly on the following measures of assistance to cottage industries—

(1) Government will establish in a number of selected villages, village centres providing employment and training for all persons willing to take advantage of the same. Emphasis will be placed on the provision of facilities for training so that those seeking admission may learn to set up as artisans on their own and thereby contribute an increasing share to national production.

(2) In areas where village centres are not established in the first instance, Government will intensify the activities of demonstration parties to teach certain useful crafts to the rural population.

(3) To indicate its preference for the products of cottage industries Government will liberalise its present terms of concessions in the matter of stores purchase.

(4) Government will extend its programme of electrification to rural areas and subsidize, where necessary, the purchase of suitable equipment required for the introduction of mechanisation.

(5) For the economic organisation of workers in cottage industries Government will promote the formation of industrial co-operatives and for this purpose provide grants for specific periods.

(6) Through the Provincial and District Industrial Co-operative Associations principally Government will provide for primary co-operative societies, suitable arrangements for marketing and finance and for the improvement of tools and processes.

(7) As part of this programme, Government will investigate how far industries at present highly centralised can, with advantage work on a decentralised basis.

The object of the various measures designed to assist cottage industries will be mainly to enable those engaged in them to organise themselves so as to face the competition of factory products with only such State assistance as may be regarded a reasonable price for the attainment of the social objective associated with cottage industries.

State Ownership.—In consonance with the policy of the Government of India, Government will extend the scope of State enterprise to new undertakings in fields declared by the Central Government as to be the exclusive responsibility of the State. In the remaining field it will in consultation with the Government of India, pursue the policy of progressive participation in industrial development including the undertaking of industrial enterprises by and on behalf of the State and the exercise of such control as may be deemed necessary from time to time. Government accepts the principle of management of State enterprises through public Corporations broadly free from Governmnent control in the daily exercise of their powers but ultimately accountable to Government and through it to the public. In its opinion, this provides a satisfactory solution of the problem of running State-owned enterprises.

Regulation and Control.—A programme of planned development postulates the exercise of regulation and control by the Planning authority. Where as in this Province, planning is undertaken under the aegis of Government the power to control development from various points of view vests in it. The usual manner in which this power is exercised, as the Advisory Planning Board recommended, is by the grant of licences for industrial enterprises. The licensing of factories will be governed by various considerations. The first of these is to prevent the location of factories in areas which are already congested or which are otherwise not considered suitable. Secondly, in order to give priority to the establishment of these industries which are concerned with the production of essential goods, Government may have to direct the flow of resources into channels which are socially urgent rather than commercially remunerative. A third consideration will be the effect of the establishment of factory industries on cottage industries deemed worthy of protection in relation to the broader aspects of national economy. Under present conditions, the establishment of an industrial concern is a somewhat long drawn out proceeding, involving, as it does, references to various Government departments. Under a system of licensing, it will be only the licensing authorities with which the industrialists will have to deal.

Legislation will be introduced to empower Government to promote orderly industrial development through a system of licences. When framing this legislation, in order to minimise the dilatory and restrictive effects of licensing care will be taken to set up a suitable well-equipped and efficient machinery for the impartial and expeditious disposal of applications.

Pilot Plants.—Inspite of Bombay being an industrially advanced province, there are several lines of industrial development in which no beginning has yet been made by local enterprise. To promote development in these fields, Government would welcome the establishment in private agency, of pilot plants for industries offering a fair prospect of success and would be prepared to consider the grant of suitable assistance to such agency. Government has also under examination the starting, under its own auspices, of a few pilot-plants besides those already at work for the production of certain drugs, sera and vaccines at the Haffkine Institute.

Conclusion.—The policy outlined in this statement will, Government trusts, give an impetus to industrial development in the Province which it has been made clear, will now be directly assisted by Government in several ways. By promoting productive effort in certain spheres which have been neglected so far, the State will, directly or indirectly, assist in widening the scope for the proper utilization of the capital resources of the Province and in extending the scope for the remunerative employment of labour. The plan of industrial development as Government envisages it does not stand by itself. It is intended to be an integral part of Government's Five-year Plan for the Province. The programme of public expenditure in other directions which have been embarked upon by Government provide an ever-increasing demand within the Province itself for goods produced by industry. An equally important factor in stimulating industrial production is the policy pursued by Government to bring about a rise in the level of real wages. This should lead to an improvement in the standard of living which will be reflected in an increased demand for consumers' goods. An adequate and expanding production of such goods through an industrial structure of the approved type Government wishes to emphasise, will provide a valuable contribution to national progress and social stability.

Overcrowding in Third Class on Railways

334. *Shri R. S. Diwakar: (a) Will the Honourable Minister of Railways be pleased to state what steps have been taken during the last one year ending 1st August, 1948 to give relief to III Class passengers on all railways in the matter of over-crowding?

(b) Has the rolling stock on the Great Indian Peninsula and Madras & Southern Mahratta Railways been increased during this period? If so, by what percentage?

(c) Has the passenger traffic increased in spite of increased rates during the same period? If so, by what percentage?

The Honourable Dr. John Matthai: (a) Since the beginning of the World War II upto 31st March, 1947, the Indian Railways (excluding the stock due to partition from N. W. and B. A. Railways) have lost 766 B. G. and 1,241 M. G. vehicles coaching stock in terms of four-wheelers due to scrapping and loan to the Military. This loss cannot be easily made good. Railway Workshops had to divert their coach-building capacity to rehabilitation of stock and reconversion of coaches returned by the Defence Department. New construction has been restricted due to lack of new underframes; but, consistent with the limitation imposed by a shortage of rolling stock and power difficulties, everything possible has been done to increase and strengthen the passenger train services. Information so far available indicates that during the last one year ending 1st August, 1948, at least 61 more trains have been re-introduced, about a dozen trains extended and extra third class coaches have been added in the case of about 100 trains on the Indian Government Railways as a whole.

New coaching stock has been and is being placed in service as fast as possible. Already 117 bogies and 9 four-wheelers have been so placed. The total railway workshop capacity alone on Indian Railways can hardly cope with the demand for coaching stock for replacement of over age stock and for additional traffic. Indigenous manufacturing capacity is also being utilised to the maximum extent possible to supplement railway workshop production.

(b) Third class coaching stock placed in service during the year ending 1st August, 1948, on the G. I. P. and the M. and S. M. Railways is:

Railway.		Figures.
G. I. P.		15
M. & S. M.	B. G.	12
	M. G.	1

(c) Yes. The increases in passenger fares were introduced from 1st January 1948, and the percentage increases in passenger traffic vary from Railway to Railway. For the Indian Government Railways as a whole, this may, however, be placed roughly at 15 per cent. for the period January to July, 1948, compared with the corresponding period of the previous year.

FOOD AND CROP STATISTICS

335. *Shri R. R. Diwakar: (a) Will the Honourable Minister of Agriculture be pleased to state what is the agency and what is the system for collecting food and crop statistics from villages?

(b) If the present system is not reliable, are Government contemplating to adopt any other system?

The Honourable Shri Jairamdas Doulatram: (a) The village patwari in a majority of the Provinces and States supplies the data regarding crop acreages, after a field-to-field harvest inspection. In the permanently settled provinces like Bihar and Orissa, the village chowkidar formerly supplied the data, but now special amins have been appointed to report agricultural statistics by a complete field-to-field enumeration. It is understood that the agricultural assistants formerly employed in the United Bengal for Jute regulation work will henceforward be entrusted with the duty of reporting crop acreages.

(b) Government feel that judged by modern standard there is considerable room for improvement in the present system of securing statistical information in regard to production of food and ensuring greater accuracy in estimates and actual yield of foodgrain crops in the country as a whole. Laterly, the random sampling method has been in use in several provinces. Government intend to have the whole question of the system of securing accurate statistics of food production examined in consultation with Provinces and States.

CLAIMS *RE* MISSING PARCELS AND LACK OF GODOWNS ON B. N. RAILWAY

336. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that for want of accommodation Railway parcels are lying in the premises of B. N. Railway stations exposed to rain and other risks?

(b) If so, what steps do Government propose to take to prevent this?

(c) What is the number of claims on account of missing parcels received by the Bengal Nagpur Railway and for what amount are they?

The Honourable Dr. John Matthai: (a) Information received from main centres on the Bengal-Nagpur Railway indicates that few parcels are lying in station premises, exposed to rain and other risks.

(b) Does not arise in view of the above.

(c) Although statistics are maintained showing the number of claims on account of missing packages generally, *i.e.*, goods, luggage and parcels, no separate figures are maintained of the number of claims arising out of missing parcels carried by passenger trains. The information asked for is, therefore, not readily available.

STRIKE IN B. N. RAILWAY WORKSHOP, KHARGPUR

337. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware of the strike in the Bengal Nagpur Railway workshop at Khargpur from 12th to 17th July, 1948?

(b) If so, what are the causes of this strike and what steps do Government propose to take in order to prevent a recurrence of it?

The Honourable Dr. John Matthai: (a) Yes. An illegal strike took place in the E. N. Railway workshops, Khargpur, from the 12th to the 19th of July 1948.

(b) The principal causes were alleged to be delay in fixation of some staff on the Central Pay Commission scales of pay, non-implementation of the Award of the Tribunal set up for the classification of skilled and semi-skilled workers and, dissatisfaction with the new pass rules, allied with the demand for the abolition of the grainshops and payment of full cash dearness allowance as recommended by the Central Pay Commission.

Implementation of the recommendations of the Central Pay Commission and of the Award of the Tribunal is necessarily a slow process. Pass Rules were recently altered after due consideration and action regarding the grainshops can only be taken on an all-India basis, in the light of the recommendations of the Grainshops Inquiry Committee which are at present under the consideration of the Government.

Institution for Degree Course in Dairy Science

338. *Shri V. C. Kesava Rao: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether there is any centrally administered institution where students are trained for a degree course in Dairy Science; and

(b) if the answer to part (a) above be in the negative, whether Government have any proposal to start a degree course in the above subject?

The Honourable Shri Jairamdas Doulatram: (a) No.

(b) Yes. A scheme to expand the existing Indian Dairy Research Institute and to establish a Dairy Science Degree College in conjunction therewith has been drawn up and is under examination.

Qualifications for Admission to Agricultural Colleges

339. *Shri V. C. Kesava Rao: Will the Honourable Minister of Agriculture be pleased to state:

(a) whether in view of the different standards prescribed by different Agricultural Colleges in the country, there is any proposal before Government to standardise the minimum qualification necessary for admission to these colleges; and

(b) if the anawer to part (a) above be in the affirmative, what minimum qualification would be prescribed and when it would be brought into effect?

The Honourable Shri Jairamdas Doulatram: (a) No.

(b) Does not arise.

Telephone Factory at Bangalore

340. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Communications be pleased to state when the Telephone Factory proposed to be set up at Bangalore will start functioning?

(b) What is the estimated annual output?

(c) What arrangements have been made to acquire the necessary technical personnel?

The Honourable Mr. Rafi Ahmad Kidwai: (a) The Telephone Factory is expected to start assembly of telephone instruments and exchange equipment from parts imported from England within the next four months. Complete manufacture of all telephone equipment and accessories may take from three to five years.

(b) The out put of the factory is estimated to be Rupees six erores within the first five years and Rupees two and a half crores per annum thereafter for the next 10 years, i.e., Rupees thirty one crores during the first fifteen years.

(c) Under the Agreement with the Automatic Telephone and Electric Company Limited the company has to provide technical personnel for the Factory until such time as trained Indians are available for the work. Steps are being taken to have sufficient number of Indians trained in all branches of Factory work at the Company's Works in England.

RUSSIA'S OFFER OF NEWSPRINT

341. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that Soviet Russia offered fifty thousand tons of newsprint to India?

(b) If so, what decision have Government taken about its acceptance?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). Some offers of supply for quantities ranging from 4,000 tons to 20,000 tons were received by certain Indian firms early in 1947 from suppliers of Russian newsprint but inspite of all facilities afforded by the Government of India no newsprint from Soviet Russia could be imported. During the period January-June 1948 a Bombay firm was granted a licence for the import of 1,470 tons of newsprint from Russia against the over-all monetary limit fixed for the import of newsprint from non-dollar areas. Newsprint imports from all non-dollar areas including Russia are now covered by Open General Licence.

IMPROVED TYPES OF THIRD CLASS RAILWAY CARRIAGES

342. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Railways be pleased to state when Government propose to introduce improved types of third class carriages?

(b) What would be the annual output of these carriages in the Hindustan Aircraft Factory?

(c) What are the improvements decided upon in the model on which these carriages are to be built?

The Honourable Dr. John Matthai: (a) It has been decided that no more third class carriages are to be built in future. The future construction will be to the proposed Ordinary Class. The improved type of Ordinary Class carriages are expected to be in service in 1950, subject to materials being available in time.

(b) The annual output of the improved type coaches from the Hindustan Aircraft Factory is expected to be 400 coaches per year, subject to material being available. Other sources could probably produce 400 more if required.

(c) The new design of Ordinary Class coach embodies the under-mentioned improvements: (i) The coach will be of the all-steel integral skin stressed type, which permits of considerable saving in weight and lends itself admirably to mass production. The all-steel design also confers a greater measure of safety for passengers than is obtained at present, in the event of an accident or fire, (ii) the springing has been improved and insulation has been provided in the body, (iii) the width of the coach has been increased from 10 ft. to 11 ft. 8 in. and the length of the body from 68 ft. to 70 ft. This has raised the passenger carrying capacity from 96 to 100, (iv) fans have been provided. (v) special drinking water alcoves have been provided, (vi) the depth of seat has been increased from 18 in. to 23 in. and seats have been made lower. These will make seating and sleeping more comfortable, (vii) the scale of lavatories has been increased to provide one for every eighteen passengers. The lavatory floor area has also been increased. The flushing water storage

capacity has been increased, (viii) the door width has been increased, (ix) more seating space per passenger has been provided, and (x) the lighting has been improved.

LICENCES FOR STARTING TEXTILE AND JUTE MILLS

343. *Shri B. P. Jhunjhunwala: (a) Will the Honourable Minister of Industry and Supply be pleased to state the total number of licences issued for starting textile and jute mills in India during the years 1946-47, 1947-48 and 1948-49 and what is the capacity of such mills?

(b) What is the basis on which the licences have been divided among different provinces?

(c) For what capacity has each province been given such licences?

(d) How many and for what capacity such mills have been started and have begun working in each Province and what is the position of the rest?

The Honourable Dr. Syama Prasad Mookerjee: *Jute Mills*—(a), (c) and (d). One jute mill in Orissa. Government of India had first agreed to the establishment of four mills, one at Madras, one at Orissa and two at Bihar. In view of the changed circumstances only one jute mill at Orissa is being sanctioned.

Capacity cannot be gauged at present as the mill has not yet been established nor has machinery been imported so far.

(b) The licence has been given as there is no jute mill in Orissa, although that Province has ample raw material.

Textile Mills.

(a) The number of licences for new mills issued, so far, is 102, most of which were issued in 1946-47. The additional capacity that would be made available as a result of the setting up of these new mills is about 1600 million yards.

(b) The spindlage was allocated to the various Provinces in accordance with the recommendations made by the Post War Planning Committee (Textiles) and licences were issued to the parties recommended by the Provincial Governments.

(c) The capacity for which licences have been given to the various Provinces is as follows:

Zone	Cloth Production in million yards	Zone	Cloth Production in million yards
Bombay	2·8	East Punjab	209
United Provinces	181	Bihar	149
West Bengal	171	Orissa	103
Central Provinces	108	South India	403
Rajputana	191	Assam	76

(d) In 1947-48, 142,500 spindles were actually received by the following Provinces and States:

Names of Province/State	Number of Spindles
Madras	54,000
Delhi	25,000
Orissa	19,000
West Bengal	6,000
Bombay	5,000
Mysore	5 000
Travancore	5,000
Mayurbhanj	10,000
Bhavnagar	3,504

One new mill of 12,000 spindles has already started working in Madras Province while another of 25,000 spindles will soon go into production at Delhi. In Orissa a Mill of 19,000 spindles is expected to start working by the end of this year. Regarding the remaining, 87,000 spindles the recipients mills are in the course of erection.

TRANSFER FROM PAKISTAN OF POST OFFICE CASH CERTIFICATES HELD BY EVACUEES

344. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Communications be pleased to state:

(a) whether the holders of Post Office Cash Certificates issued from Post Offices in Pakistan before partition, now residing in the Indian Dominion were given certain facilities regarding the provisional transfer of their Cash Certificates to Post Offices in India;

(b) if the answer to part (a) above be in the affirmative, the details of those facilities;

(c) whether the facilities are yet available or have been withdrawn;

(d) if withdrawn, the reasons for such withdrawal; and

(e) the position with regard to those Cash Certificates issued from Post Offices in Pakistan, the holders whereof died or were murdered there and whose heirs have migrated to the Indian Dominion?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Those who could produce their certificates could have them treated as provisionally transferred to an Indian Post Office of their choice for purposes of taking payment against them, without prior verification from office of issue, up to a maximum of Rs. 500, on identification. The entire amount due on the certificates could also be taken payment of on execution of an indemnity bond with two sureties. Those who could not produce their certificates could present their claims at any Head or Sub-Post Office in India, for further action to be taken for a formal transfer of the holdings from Pakistan.

(c) The facilities referred to have been withdrawn since the arrangement with Pakistan for transfer of holdings lapsed on 31st March, 1948.

(d) This was because with the promulgation of the Indian Independence (Liabilities) Order, 1948, the Indian Dominion ceased to have any liability in respect of Cash and Postal Certificates issued from Post Offices in Pakistan which were not transferred to India before 31st March, 1948.

(e) The position is the same as that of other assets left behind in Pakistan.

STEPS FOR INCREASING PRODUCTION OF COAL

345. *Babu Ramnarayan Singh: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the average daily production of coal before the war, during the war and during the year 1947;

(b) the average number of labourers and other people in the staff daily engaged in the production of coal before the war, during the war and during the year 1947;

(c) the average daily expenditure incurred in the production of coal on labour and staff before the war, during the war and during the year 1947;

(d) whether it is a fact that the daily production of coal has gone down by 60 per cent and if so, why; and

(e) whether Government contemplate taking any steps to increase the production of coal to the pre-war level and if so, what?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement giving the required information is placed on the table of the House. I would add that the accuracy of the figures of persons employed cannot be vouched for, especially for the later war years.

(c) This information is not available; nor will it be possible to compile it with any accuracy without the expenditure of disproportionate time and energy.

(d) The average daily production is now higher than ever, though output per manshift has declined.

(e) I assume the honourable member is referring to the output per manshift. Government hope that the measures recently taken to improve wages and working conditions for labour will help to bring about an increase in this output. The gradual mechanisation of mines is also contemplated by Government as a means for increasing output per worker.

Statement

Year	Average daily production of coal in India (Tons)	Number of labourers engaged in the production of coal
1938	77,652	201,093
1939	76,080	201,989
1940	80,296	209,173
1941	80,723	218,280
1942	80,639	216,086
1943	69,504	213,096
1944	70,944	255,364
1945	79,377	294,902
1947	82,302	321,537

EMPLOYMENT OF FOREIGN TECHNICIANS AFTER 15TH AUGUST, 1947

346. *Shri H. V. Kamath: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of foreign technicians, nationalitywise, who have been imported into India since the 15th August, 1947;

(b) the various industries to which they have been allotted; and

(c) the terms on which they have been employed in our country?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (c). Under the scheme for the recruitment of German Technicians for which my Ministry is responsible, only one has so far been recruited. He is now working with Messrs. International Shipping Co. Ltd., Calcutta. The terms and conditions of his employment are shown in the statement placed on the table of the House. Other foreign technicians have probably also been recruited by industrial concerns direct, but their particulars can only be obtained from Provincial Governments. This will take time.

Statement

Terms and conditions of employment of Mr. Hermann Helm under Messrs International Shipping Co. Ltd., Calcutta.

Pay	Rs. 1,000/- p.m.
Period of employment	6 months from 19-4-1948.
Passage	Air Passage from Germany to India and 1st Class Return Passage.

Other terms and conditions as per Model Agreement, a copy of which is attached.

AGREEMENT

AGREEMENT MADE THE.....DAY OF..... BETWEEN THE GOVERNOR GENERAL OF INDIA (herein called "the Government") OF THE FIRST PART AND.....

(Insert name of employee) OF.....

(Insert employee's address in Germany) (Hereinafter called "the employee") OF THE SECOND PART.

WITNESSETH as follows:

1. *Initial period of service.*—(a) The Government will employ the employee and the employee will serve the Government of India in such place or places and on loan to such person or persons as the Government may nominate for *an initial period of one year* commencing on the day when the employee leaves his above mentioned home address in Germany *en route* for India, and so long as this agreement is in force the employee will not engage in any other occupation.

(b) The employee shall during his service faithfully and diligently serve the Government or any such person or persons as aforesaid and comply with all directions given by the Government, and subject thereto with the directions of such person or persons as aforesaid.

1. A. *Passage to India.*—On his appointment, Government will pay to the employee the cost of a 1st/2nd Class passage to India for.....

2. *Termination and Suspension of Service.*—(a) The Government may at any time terminate the service summarily if in the opinion of the Government (whose decision shall be final and conclusive) the employee commits any breach of his undertaking herein contained or otherwise misbehaves or is found to be unsuitable, or is from any cause unfit for duty for any period of 3 consecutive weeks.

(b) On the termination of the service howsoever caused the Government will pay the cost of a 1st/2nd class return passage for.....to the place at which he was recruited and he shall leave India immediately on the termination of service.

(c) The Government in its absolute discretion may on an application in writing by the employee permit him on compassionate grounds to return to his home address in Germany at any time and in that event the service shall be suspended until such date as the employee again resumes service in India. Provided that if the Government agrees that such return should be permanent his service shall be deemed to have terminated on the day of his arrival at his home address in Germany.

(d) The Government may in its absolute discretion terminate this agreement on giving one month's notice or a month's salary in lieu of notice.

3. *Salary.*—During the period of his service and up to the date of reaching his address in Germany except in respect of any period of suspension as provided for in clause (c) of para. 2 of this agreement and also except in respect of any leave not due, the Government will pay to the employee a salary subject to Indian Income Tax at the monthly rate of..... (Insert amount in Rs.....) payable in arrear before the 10th day of the month succeeding the month during which the pay has been earned save that on his first arrival in India the employee may draw an advance of salary which shall not exceed half his monthly salary.

4. *Travelling Allowances.*—[Subject to conditions 1 A and 2(b) hereinbefore set out].

(a) While on duty in India and during the period of his engagement the employee will be entitled to such T.A. as may be admissible with reference to his scale of pay under the rules in force for the time being and similar T. A. will also be payable to him in respect of

his journey from his residence to the port of embarkation in Germany on his proceeding to India and from the Port of disembarkation in India to place of duty. Similar T.A. will also be admissible on termination of services.

(b) A luggage weight allowance of.....lbs. will be allowed in each direction.

(c) Books or other equipment which the Government accepts as necessary to the employee's work in India will be transported at the expense of and by arrangement by the Government and will not count against the luggage weight allowed under (b) hereof.

5. *Correspondence with family.*—The Government will enable the employee to correspond with his relations in Germany and *vice versa* throughout the employee's stay in India.

6. *Security.*—(a) The employee shall not engage in any activity of a political character or activity directed to the furtherance of the interest of a foreign power;

(b) The employee shall comply with such restrictions on his movements as the Government of the Province or the State in which he is resident for the time being may consider it necessary to impose at any time;

(c) The employee shall not without the sanction in writing of the Government make or give any statement to the Press or any other person or write any article or grant any interview to any person concerning his service or otherwise give or facilitate any publicity in regard thereto;

(d) Any information obtained by the employee during or in connection with his service and the work upon which he is engaged shall be treated as secret and confidential and the employee shall be deemed in all respects subject to the Indian Official Secrets Act 1923.

7. *Currency Relations.*—The employee may apply through the Government to the exchange control for permission to remit each month up to 50 per cent. if married and up to 25 per cent. if single of his monthly salary to Germany.

8. *Patents etc.*—(a) All inventions, designs and improvements and all discoveries and secret processes made, discovered or effected by the employee during his service shall vest in the Government absolutely and the employee shall not have any rights in connection therewith either in India or elsewhere.

(b) The employee shall keep the Government fully informed as to the progress of his work and of any such inventions, designs, improvements, discoveries and secret processes and shall take any steps necessary to put the same at the disposal of the Government, and in particular at the request and expense of the Government will apply for any letters Patent in respect of all such inventions, designs, improvements, discoveries and secret processes and will assign, the same to the Government or to any person nominated by the Government.

9. *Extension of the Initial Period.*—If after the employee has completed his initial period of one year the Government and the employee are prepard to extend the period of service the same shall extend for *a further period of* 12 *months and all* the terms and conditions of this Agreement hereinbefore set out will be deemed to apply to this further period.

10. *Leave and medical facilities, etc.*—(a) The employee shall earn leave on full pay at 1/22nd of the period spent on duty which will be allowed either in India or on the termination of contract if refused during the period of service.

(b) The employee shall be eligible for any concession in relation to medical attendance and treatment in India that may be prescribed by the Government for the class of officers serving in the same station to which the Government may declare the employee to correspond in status or conditions of service.

(c) The Central Civil Services (Extra-ordinary Pension) Rules and any amendments thereof as applicable to persons entering the Service on or after the First day of April One Thousand Nine hundred and Thirty-seven, shall be applicable to the employee.

11. *Further extension of period of service.*—If on completion by the employee of his service for the second period of 12 months both the Government and the employee desire that the period of service should be further extended the parties will negotiate a fresh agreement.

12. (a) This Agreement shall be interpreted according to the British Indian Law. In the event of any differences between the English and German version the English Version shall prevail.

(b) The employee shall not by reason of the provisions of this Agreement be deemed to be a person employed in the Civil Service of the Government.

13. In case of any dispute as to the interpretation of this Agreement or the terms governing the service of the employee or otherwise howsoever arising, the decision of the Government thereon shall be final.

IN WITNESS whereof the employee and Chief of the Indian Military Mission, Berlin by the order and direction of the Governor-General of India in Council have hereunto set their hands the day and year first above written.

EXPENDITURE ON STRATEGIC ROADS IN ASSAM

347. *Srijut Rohini Kumar Chaudhuri: (a) Will the Honourable Minister of Transport be pleased to state whether the Government of India are going to meet the entire expenditure of the strategic roads in Assam, particularly the one running from Shillong to Agartala (Tippera State) *via* Silchar in the Province of Assam? If not, why not?

(b) Is it a fact that the Government of India agreed to take the entire responsibility of the aforesaid road?

(c) Have the Government of India recently received any representation on the question from the Government of Assam? If so, to what effect and what is the attitude of the Government of India to the same?

The Honourable Dr. John Matthai: (a) All roads have potential strategic value irrespective of their administrative classification. Except in special cases where specific items of work are required to be done for purely strategic purposes, it is not incumbent on the Government of India to bear the cost of the development of roads other than those classed as National Highways, the Provincial Government being responsible for other classes of road. The road from Shillong to Agartala *via* Silchar is not a National Highway. Nevertheless, having regard to the conditions in Assam after the partition, the Government of India have offered the Assam Government a contribution from Central Revenues amounting to forty per cent. of the total cost of the construction of this road within Assam.

(b) No.

(c) Yes. The Government of India still consider that the importance of this road lies mainly in its civil, economic and administrative, value to the Province of Assam.

TRANSFERRED UNSTARRED QUESTION AND ANSWER†

HEAD POSTMASTERS IN SECOND CLASS HEAD OFFICES

3. Shri R. R. Diwakar: Will the Honourable Minister of Communications be pleased to state:

(a) the number of Head Postmasters in Second Class Head Offices;

(b) the number of Head Postmasters who are qualified accountants;

(c) the number of Head Postmasters who have passed Lower Selection Grade Examination; and

(d) the number of Head Postmasters who have none of the above qualifications?

The Honourable Mr. Rafi Ahmad Kidwai: (a) 165.

(b) Eleven; One Post Master has passed the Lower Selection Grade examination and is a qualified accountant.

(c) Four.

(d) 151.

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† The meeting of the Assembly fixed for 19th August, 1948, having been cancelled, the answer to Unstarred Question for that day was in pursuance of convention, laid on the table of the House.—*Ed. of D.*

Friday
20th August, 1948

CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VI, 1948

(9th August to 31st August, 1948)

THIRD SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1948

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 20th August 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I).

11-45 A.M.

IMPERIAL LIBRARY (CHANGE OF NAME) BILL

آنریبل مولانا ابوالکلام آزاد : جناب - میں تحریک کرتا ہوں کہ ایک بل پیش کرنے کی اجازت دی جائے جسکا مطلب یہ ہے کہ امپیریل لائبریری کا نام بدلا جائے-

یہ لائبریری ۱۹۰۳ع میں گورنمنٹ آف انڈیا کے ایک ریزولیوشن کے ذریعہ کلکتہ میں قائم ہوئی تھی اور اُس وقت سے اس کا نام امپیریل لائبریری چلا آتا ہے اب ملک میں جو پالیٹیکل (political) اور کانسٹیٹیوشنل (constitutional) تبدیلیاں ہوئی ہیں اسے دیکھتے ہوئے خیال کیا گیا کہ یہ ٹھیک نہیں ہوگا کہ کسی نیشنلسٹ (nationalist) انسٹیٹیوشن (institution) کے نام میں امپیریل (Imperial) کا لفظ رکھا جائے- اس لئے یہ بل پیش کیا گیا ہے- تاکہ آیندہ اُس کا نام نیشنل (national) لائبریری (library) رکھا جائے -

(English translation of the above speech)

The Honourable Maulana Abul Kalam Azad (Minister for Education): Sir, I beg to move for leave to introduce a Bill to change the name of the Imperial Library.

[Maulana Abul Kalam Azad]

This Library was established in Calcutta in the year 1908 in pursuance of a Resolution of the Government of India and since that time it is called as Imperial Library. In view of the recent political and constitutional changes in the country, it was considered that it would not be appropriate to associate the word "Imperial" with any national institution. Therefore, this Bill has been presented so that in future it should be called as "National Library".

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to change the name of the Imperial Library."

The motion was adopted.

آنریبل مولانا ابوالکلام آزاد : جناب میں پیش کرتا ہوں۔

The Honourable Maulana Abul Kalam Azad: Sir, I introduce the Bill.

INDIAN COTTON CESS (AMENDMENT) BILL

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Cotton Cess Act, 1923.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Cotton Cess Act, 1923."

The motion was adopted.

The Honourable Shri Jairamdas Doulatram: Sir, I introduce the Bill.

DISPLACED PERSONS (INSTITUTION OF SUITS) BILL.—*Contd.*

The Honourable Dr. B. R. Ambedkar (Minister for Law): Sir, you were good enough on the last occasion when the Bill was before the House to allow it to stand over in order to give me an opportunity to consider some of the criticisms that were levelled against the Bill as it was placed before the House last time. I have since taken into consideration the various points that were made by honourable members in the course of the debate and I think it would be desirable to introduce some new amendments in order to meet those criticisms and to withdraw the amendment to clause 8 which I moved on the 18th August.

Mr. Speaker: Has the Honourable Minister leave of the House to withdraw the amendment?

The amendment was, by leave of the Assembly, withdrawn.

The Honourable Dr. B. R. Ambedkar: With your permission, Sir, I propose to move my first amendment, copies of which I believe have been handed over to you and the members of the House. Sir, I move:

"That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be renumbered accordingly:

'(2) *Duration.*—This Act shall remain in force for a period of three years only, but upon the expiry of the said period section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had been then repealed by a Central Act'."

Last time my honourable friend Mr. Ananthasayanam Ayyangar raised an important point, namely that this privilege which the Bill was going to accord to displaced persons in the matter of bringing suits had no limitation fixed to it. I think that is a point of substance, although I should like to mention the fact that this question was considered in the Department and we felt some difficulty in the matter of fixing an actual time limit as to when this privilege should be withdrawn. After all it was felt that the privilege was being granted to a displaced person by reason of the circumstances in which he found himself on his coming into India. It was very difficult to fix a precise moment of time when it could be said that the circumstances which justified this privilege had vanished. A displaced person would be deprived of the privilege granted by this Bill only on his being rehabilitated in this part of the country. It is very difficult to say when he is going to be rehabilitated. Hence we did not think it right to put any time limit. However, it seems that it would be desirable to fix a time limit and to make it as wide as possible. Consequently it was decided that a three years' time limit would be reasonable. Therefore we have introduced this amendment fixing the time limit of three years, which is quite clear from the first part of the amendment.

The second part of the amendment which refers to Section 6 of the General Clauses Act may not be quite intelligible to the members of the House. All that it means is that when the three years' period lapses if any suit or any appeal is pending on that date it shall continue to be dealt with in accordance with the law and shall not lapse by reason of the fact that the period has lapsed. That is the reason why this amendment is moved and I hope the House will find no difficulty in accepting it.

Mr. Speaker: Amendment moved:

"That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be renumbered accordingly:

'(2) *Duration.*—This Act shall remain in force for a period of three years only, but upon the expiry of the said period section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had been then repealed by a Central Act'."

Shri M. Ananthasayanam Ayyangar (Madras: General): I think I am satisfied that this change made by the amendment will meet the situation. It is true that the period of limitation may not be extended. Three years is a long enough time and a refugee will be able to settle down to some occupation, trace the defendant and recover his money. I am glad the Honourable the Law Minister has been generous and at the same time not to keep the sword of Damocles hanging over the heads of those defendants who will have to discharge their liabilities. As regards the reference to the General Clauses Act, after the period is over *ipso facto* it must be terminated, subject of course to not disturbing those rights which are already vested.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I support the amendment but I desire that the word "only" should be deleted, as it is redundant. The passage "This Act shall remain in force for a period of three years" without the word "only" means three years only and not more than three years. The word "only" does not serve any purpose. It was probably meant for coaxing the House to accepting the amendment but that is not necessary. If we say that the Act remains in force for a period of three years, it cannot extend beyond three years and if we at all think that it should be extended there is nothing to prevent the House from extending it by an amendment. So the word "only" does not serve any useful purpose. This word was used in another Bill and the House accepted the deletion of the word as being redundant. I submit that this is not a serious thing but only a drafting matter. It should therefore be considered by the House and by the Honourable Minister and he should, I think, agree to delete the word.

The Honourable Dr. B. R. Ambedkar: Sir, I am not accepting the amendment.

Mr. Speaker: I shall put the amendment to the House.

The question is:

"That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be renumbered accordingly:

'(2) *Duration.*—This Act shall remain in force for a period of three years only, but upon the expiry of the said period section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had been then repealed by a Central Act'."

Mr. Nasiruddin Ahmad: Sir, I shall move my amendment to this.

Mr. Speaker: I think it is too late. I had put it to the House first, and then he had a chance of speaking. I have now put it finally.

The motion was adopted.

New clause 2 was added to the Bill.

The Honourable Dr. B. R. Ambedkar: I beg to move:

"That for clause 3 of the Bill (renumbered as clause 4), the following be substituted.

'4. *Institution of suits by displaced persons.*—Notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (V of 1908) or in any other law relating to the local limits of the jurisdiction of Courts or in any agreement to the contrary, a displaced person may institute a suit in a Court within the local limits of whose jurisdiction he or the defendant or any of the defendants, where there are more than one, actually and voluntarily resides, or carries on business, or personally works for gain, if—

(i) the defendant, or where there are more than one, each of the defendants, actually and voluntarily resides or carries on business, or personally works for gain in India and is not a displaced person;

(ii) the cause of action, wholly or in part, arises or has arisen in a place now situate within the territories of Pakistan;

(iii) the Court in which the suit is instituted is otherwise competent to try it; and

(iv) the suit does not relate to immovable property'."

Mr. Speaker: Here also I notice the word "each".

The Honourable Dr. B. R. Ambedkar: It is quite all right, Sir.

Mr. Speaker: Amendment moved:

"That for clause 3 of the Bill (renumbered as clause 4), the following be substituted:

'4. *Institution of suits by displaced persons.*—Notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (V of 1908) or in any other law relating to the local limits of the jurisdiction of Courts or in any agreement to the contrary, a displaced person may institute a suit in a Court within the local limits of whose jurisdiction he or the defendant or any of the defendants, where there are more than one, actually and voluntarily resides, or carries on business, or personally works for gain, if—

(i) the defendant, or where there are more than one, each of the defendants, actually and voluntarily resides or carries on business, or personally works for gain in India and is not a displaced person;

(ii) the cause of action, wholly or in part, arises or has arisen in a place now situate within the territories of Pakistan;

(iii) the Court in which the suit is instituted is otherwise competent to try it; and

(iv) the suit does not relate to immovable property'."

Mr. Nasiruddin Ahmad: Sir, I beg to move a short notice amendment to this. May I do so?

Mr. Speaker: Yes.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in the proposed amendment by the Honourable Dr. B. R. Ambedkar to clause 3 (renumbered as clause 4),—

(a) after the words 'or any of the defendants, where there are more than one', the words 'at the time of the commencement of the suit' be inserted; and

(b) in part (i) after the words 'each of the defendants', the words 'at the time of the commencement of the suit' be inserted."

In the main part of this proposed new section it is a condition that the defendants, one or more, should actually and voluntarily reside or carry on business or personally work for gain. My amendment seeks to confine it to the time of the institution of the suit. My purpose is to make it a condition at the time of institution, that is, the defendant or the defendants should actually and voluntarily reside or carry on business or personally work for gain at the time of the commencement of the suit. The validity of a suit depends upon the circumstances prevailing at the time of its institution. Suppose the defendant or the defendants subsequently leave the place the area of the local jurisdiction of the court, and remain in India but in another jurisdiction. Should the suit, which was properly instituted, become invalid? As the clause stands at present, it makes the condition that he must actually or voluntarily reside or carry on business or personally work for gain. That is a continving condition apparently.

12 noon

As my ground for moving this amendment I have section 20 of the Code of Civil Procedure which was referred to the other day by my friend Mr. Ananthasayanam Ayyangar. It is in clause (b) of section 20. I shall read that "...any of the defendants, where there are more than one, at the time of the commencement of the suit, actually or voluntarily resides or carries on business or personally works for gain". The passage has been taken bodily from the Civil Procedure Code. But the words "at the time of the commencement of the suit" which I consider to be vital have been omitted perhaps by oversight.

In the amendment I want to insert it in line 7. The passage would stand amended like this: "where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides or carries on business or personally works for gain".

The other amendment in part (i) is of a similar character. I submit that this condition is necessary because it may effect the very legality of the suit. All that is necessary is that at the time of the institution of the suit this residential or business or occupational condition should be satisfied. Later on, if there is any movement of the parties from that area to another area, although within India, the legality of the suit might be in doubt. In view of the fact that there are these words in the Civil Procedure Code from which the passage has been apparently taken, the elimination of these words might be regarded as having been done with a purpose, namely that this condition of residence or of carrying on of business etc., is a continuous condition so long as the suit is pending. In order to remove that doubt I think this amendment should be accepted.

Then I have one or two comments to make on the general amendment. There is a passage "notwithstanding anything contained in Section 20 of the Code of Civil Procedure, 1908 (V of 1908)" and then there is this passage "or in any other law relating to the local limits of the jurisdiction of Courts or in any agreement to the contrary". I submit that the Civil Procedure Code is exhaustive with regard to the law relating to the local limits of the jurisdiction of a court.

[Mr. Naziruddin Ahmad]

Then with regard to agreements, I think that agreement does not oust the jurisdiction of a court. If two persons, A and B, who subsequently become plaintiff and defendant, agree that no suit shall be instituted in Delhi, but provided according to some law prevailing the court of Delhi has jurisdiction to entertain the suit, should the court be deprived of that jurisdiction on account of that agreement? I submit, if I am right—I am not quite certain—if I am right, then the words, "or in any agreement to the country" should be deleted because contract to the contrary cannot deprive the jurisdiction of a court.

With regard to "any other law relating to local limits of the jurisdiction of courts", I am rather doubtful if there are any other laws which really affect the jurisdiction of a Court apart from the relevant Sections in the Civil Procedure Code—Section 15 and the following Sections. The Civil Procedure Code exhausts all the conditions of jurisdiction of a Court.

With regard to Section 20 it relates to other suits, that is suits other than those relating to immovable property, but we are not dealing with immovable property. In these circumstances I ask the Honourable Minister to consider the insertion of the condition "at the time of the commencement of the suit" in the two places indicated. He should also explain the need for the words, "or in any other law relating to the local limits of the jurisdiction of courts", and the other condition, "or in any agreement to the contrary". The need for this should be explained.

With these few words I submit that the amendments should be accepted.

Mr. Speaker: Amendment to amendment moved:

"That in the proposed amendment by the Honourable Dr. B. R. Ambedkar to clause 3 (renumbered as clause 4),—

(a) after the words 'or any of the defendants', where there are more than one', the words 'at the time of the commencement of the suit' be inserted: and

(b) in part (i) after the words 'each of the defendants', the words 'at the time of the commencement of the suit' be inserted."

Does the honourable member move any amendment for the deletion of those words?

Mr. Naziruddin Ahmad: No, Sir. I merely ask for clarification.

The Honourable Dr. B. R. Ambedkar: With regard to the actual amendment proposed by my friend, I hold the view that those words are unnecessary. However, if he thinks that the absence of the words create any doubt with regard to the jurisdiction of the court, I have no objection to accepting the addition of the words he has suggested in his amendment.

With regard to the other two points raised by my honourable friend, on the one relating to local limits of the jurisdiction of the courts, my submission is that there may be very many other laws which also deal with the jurisdiction of the courts.

Shri M. Ananthasayanam Ayyangar: Matrimonial cases, guardians' cases etc.,

The Honourable Dr. B. R. Ambedkar: A matrimonial case is one.

Secondly, I come from Bombay, I am more familiar about the legislation there. For instance, I know there is an Act there to deal with the relief to agriculturists; there the local limits of the courts are defined, they are quite different from the provisions contained in the Civil Procedure Code. Similarly, there might be cases in other Provinces. These words have, therefore, been introduced by way of caution on the supposition that there might be other laws describing the jurisdiction of the courts. No harm is done if these words

are introduced in order to prevent any fault remaining in the Bill by reason of such omission of these words.

With regard to the other question raised by my friend as to why the words, "in any agreement to the contrary" are introduced. The position is this: I entirely agree with him—that is my own personal view, however,—that parties by agreement cannot oust the jurisdiction of the court. If the court has the jurisdiction, the parties cannot by agreement say that the suit shall not be brought within the jurisdiction of the court. But I am told that the Lahore High Court has held the following view in a Full Bench case arising out of what are called "Insurance policies", where a clause like the one I am reading now exists:

"In the event of any claim arising in respect of properties hereby insured, the same shall be settled and paid in Lahore and the entire cause of action shall also be deemed to arise in Lahore, and further that all legal proceedings in respect of any such claim shall be instituted in a competent Court in the City of Lahore only."

When this clause in the insurance policies came in for interpretation before the Lahore High Court, a Full Bench of the Lahore High Court decided that such an agreement is valid and is binding and the suits must be brought in Lahore. It is an order to abrogate the binding force of this clause and also to nullify the effects of the judgment given by the Lahore High Court and to enable the displaced person to take full advantage of the privilege that we are giving, that these words have been introduced namely, "notwithstanding any agreement to the contrary". I hope this explanation satisfies my friend.

Mr. Nazimuddin Ahmad: Sir, I am fully satisfied.

Shri M. Ananthasayanam Ayyangar: Sir, I want to say a word on this. The amendment suggested by my honourable friend Mr. Nazimuddin Ahmad does not fit in and seems to be inconsistent with the amendment that has been put forward by the Honourable Dr. Ambedkar.

Let us take part (i) of sub-clause (1) of proposed amendment. It says,—

"(i) the defendant, or where there are more than one, each of the defendants, actually and voluntarily resides or carries on business, or personally works for gain in India and is not a displaced person;".

The privilege is given to the plaintiff in such a case to file a suit not according to Section 20 of the Civil Procedure Code, but either where the cause of action arises or where the defendant resides. Under this part (i) the defendant or each of the defendants must reside only in India; it is immaterial whether he resides in a particular place or in the local limits or jurisdiction of any court. Of course this would not authorise a suit being filed by one who is not a resident of India and is not a displaced person; if he is not a displaced person the defendant must not be a displaced person himself. Therefore, to say, "at the time when the suit is filed", seems to be absolutely not within the object of the framers of this amendment. If the defendant is not a displaced person but is a permanent resident of India it is immaterial where he resides and you can file the suit anywhere the plaintiff likes. That is the object. So, what is the meaning of saying, "at the time when the suit is filed"? All that is required is that he must be resident anywhere in India. Therefore, Sir, with very great respect I submit that the honourable member's suggestion in sub-clause (i) does not fit in.

As regards the main clause 4, I would say that the words, "the defendant or any of the defendants, where there are more than one," might not be necessary. This gives the plaintiff merely the privilege to file a suit where he likes. The object of my honourable friend in including the words, "defendant or any other defendants, where there is more than one," is this. Under the existing provisions of the Civil Procedure Code, Section 20, if you have to file a suit and there are more than one defendants, you can file it in a particular place, where the other defendants do not reside, only with the consent of the court. He wants to do away with that consent. Therefore, he has included those words also.

[Shri M. Ananthasayanam Ayyangar]

In either case, I do not think it is necessary that the addition of the words should be made. The amendment as tabled by my honourable friend meets the situation and is proper.

Shri L. Krishnaswami Bharathi (Madras: General): Sir, there is one aspect of the matter and that is this. This gives a privilege to the displaced person who is the plaintiff. Cases might occur where after the institution of the suit the plaintiff might go to some other jurisdiction of the court, and therefore in such cases the defendant might very well at a later stage, say that the plaintiff is not now residing there and therefore he has no right of action. Therefore, "at the time of institution of the suit" must qualify the plaintiff also. Whereas ordinarily, under the Civil Procedure Code, the right of action only arises when one or most of the defendants are in some local jurisdiction. Cases might arise where after the institution of the suit the plaintiff might go somewhere else and then the defendant might very well say, "Now the case has to be transferred to some other court". This is just possible. Therefore, the words, "at the time of institution of the suit" must qualify the plaintiff also, so much so that at the time of the institution of the suit, if the plaintiff or any defendant is in the local jurisdiction of any court, then the suit is well instituted.

I support the amendment from that aspect.

Mr. Speaker: I was just considering whether a change of residence of a defendant after the launching of a suit will effect the validity of the suit properly instituted in the beginning.

Shri M. Ananthasayanam Ayyangar: No, Sir. He is a permanent resident of India.

Mr. Speaker: That is the whole point.

Shri M. Ananthasayanam Ayyangar: It has been held, Sir, you will remember that even a suit for injunction for removing of a building can go on even if the building is removed.

Mr. Speaker: I do not know. I will leave it to the lawyers. I know the words there, "at the time of the commencement of the suit" are taken from the Civil Procedure Code, but I am entirely in the hands of the lawyers in the House. I have ceased to practise for twelve years and am not in touch with the law. So I leave it to the lawyers in this House. Anyhow, that is just, by the way. What is the wish of the Honourable the Law Minister in this matter?

The Honourable Dr. B. R. Ambedkar: As I said, these words are unnecessary whereas my honourable friend has a passion to put all these technical amendments. I thought I might once in my life gratify his wishes.

Mr. Speaker: He was suggesting the insertion of the words at two places.

The Honourable Dr. B. R. Ambedkar: That would not affect.

Mr. Nasiruddin Ahmad: Second place is unnecessary. We might put it in the first place only.

Mr. Speaker: He is satisfied with having it at one place only. That is a further compromise. Well, then, I will put the first.

The question is:

"That in the proposed amendment by the Honourable Dr. B. R. Ambedkar to clause 3 (renumbered as clause 4), after the words 'or any of the defendants, where there are more than one' the words 'at the time of the commencement of the suit' be inserted".

The motion was adopted.

Mr. Speaker: I now put to the House the amended amendment. The question is:

"That for clause 3 of the Bill (renumbered as clause 4), the following be substituted:

'4. *Institution of suits by displaced persons.*—Notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (V of 1908) or in any other law relating to the local limits of the jurisdiction of Courts or in any agreement to the contrary, a displaced person may institute a suit in a Court within the local limits of whose jurisdiction he or the defendant or any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, if—

(i) the defendant, or where there are more than one, each of the defendants, actually and voluntarily resides or carries on business, or personally works for gain in India and is not a displaced person;

(ii) the cause of action, wholly or in part, arises or has arisen in a place now situate within the territories of Pakistan;

(iii) the Court in which the suit is instituted is otherwise competent to try it; and

(iv) the suit does not relate to immovable property'."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That after clause 3 of the Bill (renumbered as clause 4), the following new clauses be inserted and the subsequent clauses be renumbered accordingly:

'5. *Validation of certain pending suits.*—Any suit instituted by a displaced person after the 15th day of August, 1947, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4 shall, if pending at the commencement of this Act, be deemed to have been validly instituted and be disposed of accordingly.

Explanation.—For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

6. *Restoration of certain dismissed suits.*—Where any suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4, had been dismissed solely on the ground that it had not been validly instituted, the Court shall, on application made within one month from the commencement of this Act, make an order setting aside the decree and shall proceed with the suit.

7. *Restoration of suit where appeal dismissed.*—Where, in any appeal arising from a suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, a decree has been passed dismissing such appeal solely on the ground that it had not been validly instituted and the institution of such suit would have been valid if section 4 had come into force on the aforesaid date, the Appellate Court shall, on application made to it within one month from the commencement of this Act, make an order setting aside its decree and remand the case to the Court of first instance for trial'."

Now, Sir, this amendment makes provision for three cases. Clause 5 deals with a case where a case is pending; clause 6 deals with a case where the suit is dismissed and clause 7 deals with a case where appeal is dismissed. The House will thus see that all possible cases have been dealt with by these three new clauses, so that no displaced person, by reason of the fact that this Act had not retrospective effect on the date on which he filed his suit, will find himself in difficulty so as not to realise the benefit of this Act.

Shri K. Santhanam (Madras: General): What if the suit had been instituted before and only the appeal was filed later?

The Honourable Dr. B. R. Ambedkar: The point is this. It has been represented to me, although I find it difficult to believe, that certain displaced persons, not withstanding the fact that Section 20 of the Civil Procedure Code does not permit them to file a suit within the jurisdiction of the court within which they reside, have nonetheless filed such a suit. If these suits were filed before the commencement of this Act, those suits would be dismissed for want of jurisdiction. In order to give them relief we said that even if the suit is

[Dr. B. R. Ambedkar]

dismissed it shall be restored. If the appeal is dismissed, then again the suit also should be restored, so that it merely gives retrospective effect to all those cases where the displaced person, out of pure mistake of law, had filed suit before the commencement of this Act.

Shrimati G. Durgabai (Madras: General): May I know whether a fresh suit can be instituted again?

The Honourable Dr. B. R. Ambedkar: No.

Mr. Speaker: Amendment moved:

"That after clause 3 of the Bill (renumbered as clause 4), the following new clauses be inserted and the subsequent clauses be renumbered accordingly :

'5. *Validation of certain pending suits.*—Any suit instituted by a displaced person after the 15th day of Auguet, 1947, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4 shall, if pending at the commencement of this Act, be deemed to have been validly instituted and be disposed of accordingly.

Explanation.—For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

6. *Restoration of certain dismissed suits.*—Where any suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4, had been dismissed solely on the ground that it had not been validly instituted, the Court shall, on application made within one month from the commencement of this Act, make an order setting aside the decree and shall proceed with the suit.

7. *Restoration of suit where appeal dismissed.*—Where, in any appeal arising from a suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, a decree has been passed dismissing such appeal solely on the ground that it had not been validly instituted and the institution of such suit would have been valid if section 4 had come into force on the aforesaid date, the Appellate Court shall, on application made to it within one month from the commencement of this Act, make an order setting aside its decree and remand the case to the Court of first instance for trial'."

Shri K. Santhanam: I think it would be better if we bring the words occurring in section 4 into line with the wording of section 6 as newly drafted.

Shri M. Ananthasayanam Ayyangar: Mr. Speaker, I have got one doubt. In this amendment you have put new clauses 5, 6 and 7 together. In the fourth line of clause 6, it is stated "dismissed solely on the ground that it had not been validly instituted". So far as the preamble is concerned, my fear is it may not touch the validity of the institution. Here what the amendment seems to mean is validly instituted not in the place where it ought to have been instituted under section 20 of the Civil Procedure Code. We have said on the ground that it had been validly instituted and we will assume for some reason other than one of legal jurisdiction, but for this Act the suit has been dismissed. Even then it is not validly insituted as the wording stands. If before the commencement of this Act a suit was instituted in a place which was a wrong place under the law as it then stood under section 20 of the Civil Procedure Code, if that suit should have been dismissed, it could be restored within a period of years. "Validly instituted" may mean various other grounds on which the suit might have been dismissed. Therefore the words "for one of legal or territorial jurisdiction" must he used here. A suit has been dismissed solely on the ground that it had not been instituted within the legal limits and it has been dismissed on the ground that the Court had no pecuniary or legal jurisdiction.

Then comes the question of making an order, setting aside the decree or order. It need not merely be a decree. There may be cases where the suit has been dismissed by an order. Under the law there is no jurisdiction and a man files a suit and does not pursue it.

Mr. Nasiruddin Ahmad: I have some comments to make on the proposed new section 7. In line 3, the following passage occurs: "A decree has been passed dismissing such appeal". This presupposes that the original suit which was instituted by the plaintiff was dismissed and the appeal was by the plaintiff and such an appeal was dismissed solely on the ground that it was not validly instituted. But it may mean that the plaintiff institutes the case and his suit was decreed and the defendant may have instituted an appeal. Then the dismissal of such an appeal means that the plaintiff's suit is decreed. I beg to submit that the following amendment should be accepted:

"For the words 'such appeal' in line 3 of the proposed new section 7 the words 'this suit' should be substituted."

The result of this would be that a decree has been passed dismissing such a suit and a decree by the Appellate Court has been passed dismissing such a suit solely on the ground that it has not been validly instituted. I think it would be that in the appeal the suit may be dismissed either by decree of the appeal or dismissing the appeal; it depends on who is the appellant. If the plaintiff wins, the suit is decreed. If the defendant appeals, the decreeing of the appeal means that the suit is dismissed or by a decree in appeal which follows the order a suit may be dismissed or a suit may be decreed. I beg to submit, Sir, the dismissal of the suit on the ground that it had not been validly instituted is the key, the test and therefore dismissing of the appeal should not be the test. The dismissing of the suit should be the test. The suit may be dismissed by a decree allowing the appeal or dismissing the appeal as the case may be. Therefore, for these two words, "such appeal", the words "the suit" should be substituted. I would respectfully ask the Honourable Minister to consider the thing and decide.

The Honourable Dr. B. R. Ambedkar: With regard to the point raised by my honourable friend, Mr. Ananthasayanam Ayyangar, it is quite true that a suit may be dismissed for various other reasons; but in the context I am quite satisfied that the words validly instituted cannot refer to anything except the jurisdiction of the court and therefore, I am not prepared to disturb that wording.

With regard to the point raised by my honourable friend Mr. Naziruddin Ahmad, I am sure he will realise that the words he proposes are most unsuitable. Because, in an appellate court, what the appellate court does is to dismiss the appeal; it does not dismiss the suit. Therefore, the wording is all right.

Mr. Nasiruddin Ahmad: It also decrees or dismisses the suit.

Mr. Speaker: The word 'decree' may remain without the addition of the word 'order'. I was just considering whether the word 'suit' should not be there for the word 'appeal'. Even the appellate decree will be for the dismissal of the suit originally instituted. It seems to be a little confusing: "dismissing such appeal solely on the ground that it has not been validly instituted", what does that 'it' represent?

The Honourable Dr. B. R. Ambedkar: I am prepared to concede that the word 'it' should be substituted by the word 'suit'.

Mr. Speaker: If 'it' is replaced by the word 'suit', his objective is achieved.

The Honourable Dr. B. R. Ambedkar: I am prepared for it.

Mr. Nasiruddin Ahmad: That would be better. Sir, I beg to move.

"That in the amendment moved by the Honourable Dr. B. R. Ambedkar, in the proposed clause 7, for the word 'it' where it occurs for the first time, the words 'the suit' be substituted."

The Honourable Dr. B. R. Ambedkar: I accept it.

Mr. Speaker: The question is:

"That in the amendment moved by the Honourable Dr. B. R. Ambedkar, in the proposed clause 7, for the word 'it' where it occurs for the first time, the words 'the suit' be substituted."

The motion was adopted.

Shri Krishna Chandra Sharma (U.P.: General): Sir, I would like to make a suggestion. In the last line instead of the word 'case' the word 'suit' may be substituted, and instead of the word 'trial', the word 'disposal' may be substituted.

Mr. Speaker: It comes to the same thing.

Shri Krishna Chandra Sharma: No; it is different.

Mr. Speaker: I think in the place of the word 'case', the word 'suit' may be substituted.

Shri Krishna Chandra Sharma: Sir, I beg to move:

"That in the amendment moved by the Honourable Dr. B. R. Ambedkar, in the proposed clause 7, for the word 'case', the word 'suit' be substituted; and for the word 'trial' the word 'disposal' be substituted."

Mr. Speaker: The question is:

"That in the amendment moved by the Honourable Dr. B. R. Ambedkar, in the proposed clause 7, for the word 'case', the word 'suit' be substituted."

The motion was adopted.

Shri Krishna Chandra Sharma: I am not particular about the other amendment.

Mr. Speaker: I am putting to the House the amended amendment.

The question is:

"That after clause 3 of the Bill (renumbered as clause 4), the following new clauses be inserted and the subsequent clauses be renumbered accordingly:

'5. *Validation of certain pending suits.*—Any suit instituted by a displaced person after the 15th day of August, 1947, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4 shall, if pending at the commencement of this Act, be deemed to have been validly instituted and be disposed of accordingly.

Explanation.—For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

6. *Restoration of certain dismissed suits.*—Where any suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, which if this Act had come into force on that day would have been validly instituted in pursuance of section 4, had been dismissed solely on the ground that it had not been validly instituted, the Court shall, on application made within one month from the commencement of this Act, make an order setting aside the decree and shall proceed with the suit.

7. *Restoration of suit where appeal dismissed.*—Where, in any appeal arising from a suit instituted by a displaced person after the 15th day of August, 1947, and before the commencement of this Act, a decree has been passed dismissing such appeal solely on the ground that the suit had not been validly instituted and the institution of such suit would have been valid if section 4 had come into force on the aforesaid date, the Appellate Court shall, on application made to it within one month from the commencement of this Act, make an order setting aside its decree and remand the suit to the Court of first instance for trial'."

The motion was adopted.

New Clauses 5, 6 and 7 were added to the Bill.

The Honourable Dr. B. R. Ambedkar: I move:

"That in clause 4 of the Bill (renumbered as clause 8), for the words and figure 'section 3 of this Act', the words and figure 'section 4 of this Act', be substituted."

Mr. Speaker: The question is:

"That in clause 4 of the Bill (renumbered as clause 8), for the words and figure 'sec 3 of this Act', the words and figure 'section 4 of this Act', be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4 (renumbered as clause 8), as amended, stand part of the Bill."

The motion was adopted.

Clause 4 (renumbered as clause 8) was added to the Bill.

Clause 5 (renumbered as clause 9) was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: I move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DIPLOMATIC AND CONSULAR OFFICERS (OATHS AND FEES) BILL.

The Honourable Pandit Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): Sir, I beg to move:

"That the Bill to provide for the administration of oaths by diplomatic and consular officers and to prescribe the fees leviable in respect of certain of their official duties, be taken into consideration."

Mr. Speaker: The question is:

"That the Bill to provide for the administration of oaths by diplomatic and consular officers and to prescribe the fees leviable in respect of certain of their official duties, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will take the Bill clause by clause.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, after the word 'Act', the words 'or contravenes the provisions of sub-section (3) of section 5', be inserted."

Clause 4 provides punishment for false oath or affidavit but clause 6(3) declares that a diplomatic or consular officer shall not take any reward or payment except as may be provided in rules made in this behalf. That is to say, Government are entitled to make rules under clause 6(3) prescribing the fees, and nothing is to be taken beyond the prescribed rate. There is no provision making it an offence for a diplomatic or consular officer to take anything in excess of the prescribed amount, and so an offending officer escapes without any liability. No doubt he commits the offence of misappropriation or of illegal gratification under Sec. 161 of the Indian Penal Code, but as the offence will take place outside the jurisdiction of Indian Courts he cannot be tried here.

[Mr. Naziruddin Ahmad]

But if we make it a punishable offence under this Bill it will be triable in any Indian Court if he is arrested here or is found within the local limits of the jurisdiction of any court in India. Therefore there is a lacuna that a diplomatic or consular officer who takes more than the prescribed fees escapes without any penalty and cannot be tried. But if the amendment that I propose is accepted he may be tried here if he is found within the local limits of the jurisdiction of an Indian Court. My amendment would make it an offence and although it is committed outside the jurisdiction of an Indian Court he will be liable to be tried by an Indian Court and cannot escape scot-free. Sir, I move.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, after the word 'Act', the words 'or contravenes the provisions of sub-section (3) of section 6', be inserted."

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I beg to oppose this amendment. Clause 4 is a penalty clause which prescribes punishments for offences committed against this law. Then clause 6(3) prescribes that a diplomatic or consular officer shall not take any fee or reward in excess of those prescribed, and my honourable friend wants to make the contravention of clause 6(3) a penal offence under clause 4. Clause 4 is intended to deal with people who swear false oaths or affidavits and is not intended to apply to officers at all. If a consular or diplomatic officer takes fees which he should not take he will be withdrawn and in various other ways he will be punished; it need not necessarily be punishment in a court of law. Personally I think even sub-clause (3) of clause 6 was unnecessary; it will be illegal gratification under the Indian Penal Code and no special provision need have been made.

Mr. Naziruddin Ahmad: It is not triable here because the offence is committed outside India.

Shri M. Ananthasayanam Ayyangar: Apart from that it is not necessary because of the high position that our diplomatic and consular officers hold in foreign countries. Anyway by way of caution and to ensure integrity and freedom from corruption clause 6(3) may be retained: but having regard to their dignity and high position I oppose this proposed amendment.

Mr. Hossain Imam (Bihar: Muslim): Sir, I am afraid my honourable friend who spoke last missed two other things, He has concentrated on fees but there are rewards for or on account of an act or thing. If you prescribe a thing it is necessary that you should have some kind of punishment for violating it. It is no good saying, "Thou shalt not do this". This "Thou shalt not" has always proved ineffective; it is only fear of punishment that prevents him from violating it. I do not say that diplomatic or consular officers who will be hand-picked men will do these things. Therefore you may do away with this provision; but if you have it you must also have some kind of punishment. The entire criminal law is based on this that for an offence there must be a punishment. And, as was pointed out, our criminal law is ineffective in crimes committed outside the territorial jurisdiction of India, unless a validating law is passed as was done in the case of displaced persons. Therefore, as I said, I do not mind if clause 6(3) is removed because persons of that high status are not likely to comit this offence; but if it is retained it follows as a corollary that some provision like the present amendment of Mr. Naziruddin Ahmad should be made.

The Honourable Pandit Jawaharlal Nehru: Sir, I am unable to accept this amendment for reasons that my honourable friend Mr. Ayyangar mentioned. This should be looked upon as nothing more than a rule and an indication, not as a kind of crime for which punishment has not been provided as the honourable member said. It is a clear indication that something should not be done.

and it would be wrong to mix it up with a specific punishment for false oaths, etc.

If such a thing occurs these persons will be dealt with effectively by the Government, and there is just a chance if you specifically say that they should be proceeded against in a law court for this, some people may try to embarrass them and in many ways, quite needlessly and without the slightest justification. I do not think it helps at all. If they have done wrong there are hundreds of ways of punishing them and much more effectively than by tacking it on to the other section.

So, I submit that this amendment should not be accepted.

Mr. Nasiruddin Ahmad: I do not press this amendment, but I should ask for a reconsideration of sub-clause (3) of clause 6. When that comes it is unnecessary.

Mr. Speaker: We shall discuss that when we come to that clause.

Mr. Nasiruddin Ahmad: But I shall agree to the removal of sub-clause (3) of clause 6.

Mr. Speaker: This mixture of ideas arises because of some dubious marginal note in this section. The marginal notes say: "Punishment of offences under this Act." This is not a special offence under this Act and it would perhaps be better if head note says "punishment for certain offences." So the honourable member does not press for his amendment?

Mr. Nasiruddin Ahmad: I would ask leave of the House to withdraw.

Mr. Speaker: Has the honourable member leave of the House to withdraw?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in clause 5 of the Bill, for the words 'in any Province of India in which', the words 'by a Court in India within the limits of whose jurisdiction' be substituted"

Clause 5 of the Bill reads:

"Any offence under this Act may be inquired into, dealt with, tried and punished in any Province of India in which the person charged with the offence was apprehended or is in custody . . . . . "

So, the provision is to this effect that if any offender is apprehended in any province, or is found in custody in any province, he may be tried in that province, but the unit of jurisdictions of our Courts is not the Province but rather the Sessions Divisions, or rather the Districts. It is mostly Districts, but it may be that a Sessions Division may consist of more than one District. So I would like to make the position clear by this amendment. If the amendment is accepted, the section would read like this:

"Any offence under this Act may be inquired into, dealt with, tried and punished by a Court in India within the limits of whose jurisdiction the person charged with the offence was apprehended or is in custody . . . . . "

In fact a man has to be tried by a Court and there is no Court which exercises jurisdiction over the whole province except the High Court. Normally a Court which will try is the Court of a Magistrate. That is to be found at the end of the Criminal Procedure Code. So it is the Magistrate's jurisdiction which must be the starting point and therefore a Provincial area would be

[Mr. Naziruddin Ahmad]

wider than a Magistrate's jurisdiction. It is under these circumstances I should make it legally come under the control of a Court in India within the limits or jurisdiction of which the man was arrested or found in. It is simply removing the test as the 'Provincial area' by a provision to the limits and 'jurisdiction of a Court' in India. That should be the test under the Criminal Procedure Code under which he should be tried. This is a formal amendment and should be accepted.

Mr. Speaker: I am afraid the honourable member has ignored the point that the previous words of the amendment do not fit in with the subsequent words. that point?

". . . . . may be inquired into, dealt with, tried and punished . . . . "

Surely it will not be the business of a Court to inquire into an offence! Suppose the case is tried by a Court of Sessions, will it be the Sessions Court which will enquire into that offence? It will be a police enquiry.

Mr. Naziruddin Ahmad: The investigation is a police investigation.

Mr. Speaker: The previous words are: "may be inquired into, dealt with, tried and punished....." Therefore his words do not fit in. Will he consider that point?

Mr. Naziruddin Ahmad: The point may be reconsidered.

Mr. Speaker: Therefore he does not press it.

Mr. Naziruddin Ahmad: I press my point, but not the amendment.

Mr. Speaker: So I need not put it to the House.

Amendment No. 9 follows the same line as No. 8. The honourable member is not moving it.

Mr. Naziruddin Ahmad: No.

Mr. Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Shri S. V. Krishnamurthy Rao (Mysore State): With regard to my amendment No. 11 in list 2, may I know from the Leader of the House whether the object will not be served by issuing instructions to the Ambassadors and Consular officers at the time of their appointment, because I feel that we need not doubt the integrity of such officers.

The Honourable Pandit Jawaharlal Nehru: It is not a question of doubting their integrity but clarifying their position. It is more formally and precisely done here. It is better to be done here. I do not see any confusion or harm by putting this in here.

Shri S. V. Krishnamurthy Rao: I do not propose to move.

Mr. Speaker: Does Mr. Naziruddin Ahmad wish to say anything on this?

Mr. Naziruddin Ahmad: No.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. Hossain Imam: I presume that all these rules will be published in the Gazette. There is no provision for it here. Perhaps, we may have an assurance from the Honourable the Leader of the House. That is the usual practice.

The Honourable Pandit Jawaharlal Nehru: There are many types of rules—major rules, minor rules and subsidiary rules. But normally, rules are published and will be published.

Mr. Speaker: I think, under the General Clauses Act there is some such rule.

The question is:

"That clauses 7 and 8 stand part of the Bill."

The motion was adopted.

Clauses 7 and 8 were added to the Bill.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pandit Jawaharlal Nehru: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (the Honourable Mr. G. V. Mavalankar) in the Chair.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL

The Honourable Pandit Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): Sir, I beg to move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

Sir, this Bill consists of one single section, a very short and simple affair. Pilgrims proceeding to the Hejaz are required to produce certificates of vaccination against smallpox before boarding pilgrim ships. Till now this certificate had a period of validity of five years. Now the International Sanitary Conventions, 1944 reduced this period of validity of such certificates to three years. So we have to make new forms for this purpose and this requires an amendment of this Act, which had laid down five years. The Bill is a very simple one meant to substitute three years for five years.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are no amendments. I shall take clauses 1 and 2 together.

The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pandit Jawaharlal Nehru: Sir I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DURGAH KHAWAJA SAHEB (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and the States): Sir, I move:

"That the Bill further to amend the Durgah Khawaja Saheb Act, 1936, be taken into consideration."

The amending Bil has got a limited objective and I hope, therefore, that the Bill will not be the subject of any controversy in this House. The object of the Bill, as has been made clear in the Statement of Objects and Reasons, is to terminate the membership of certain members of the Durgah Committee who on account of the Partition of the country have gone to Pakistan and the continuance of their membership is neither desirable nor possible.

In justification of this position, I should like to give, in brief, a history of this institution. The shrine at Ajmer is one of the oldest and venerated places of Muslim pilgrimage in this country and attracts persons from distant places, even outside India. A considerable amount of landed property was gifted to the officials of the shrine by the Mughal Emperors and by Daulat Rao Scindia in the early part of the 19th century. The total revenue of the *jagir* is now estimated at about Rs. 1,50,000 per annum. In addition to it large amounts are received annually in the form of donations and thank-offerings from pilgrims and devotees. The spiritual head of the shrine is the *Sajjadanashin*, while its temporal affairs are looked after by a *Mutwalli*. In 1936, an Act was passed for the better administration of the Durgah, but was subsequently amended in 1938. The amended Act is now in force. Under this Act, a Managing Committee was constituted consisting of 2 ex-officio members, *viz.*, the *Sajjadanashin* and the *Mutwalli*, 18 members elected by various Muslim constituencies, *e.g.*, the *Khadim* community of Ajmer, M.L.As of Central and Provincial Legislatures and other Muslims of Ajmer, one nominated by the Nizam and four *Sajjadanashins* of Chishti shrines coopted by the other members.

Unfortunately for the administration of the shrine and its funds, the Committee has been rent with factions and a certain amount of litigation for some time. The Partition of India has brought the whole problem to a head. The *Sajjadanashin* left Ajmer in September 1947 after having mortgaged some of his *jagir* and raised considerable sums of money in other ways including the sale of his household effects and gold and silver ornaments. He is now in Pakistan from where he is reported to be indulging in activities disloyal to this country. The Chief Commissioner has withdrawn his *jagir* from him under the Ajmer Land and Revenue Regulations and has taken in hand the selection of his successor. Seven out of the nine local members of the Committee who, in effect

conducted the affairs of the *Durgah* have migrated to Pakistan following the example of the old *Sajjadanashin*. As a result the administration of the *Durgah* came to a complete deadlock; only two of the members of the Committee and the Mutwalli were left and their right to manage the finances of the *Durgah* was not admitted by the bank.

In the meantime, the annual *Urs* at the *Durgah* was to take place in May and it became a matter of immediate necessity to have an active and lawfully constituted Committee in action as soon as possible. We accordingly promulgated an Ordinance on the 11th of May to amend *Durgah* Khawaja Sahib Act of 1936. By virtue of this Ordinance members elected from Sind, N.W.F.P., East Bengal and West Punjab lost their membership. We provided that three members would be coopted by other members of the Committee from among persons residing in any of the acceding States or in the State of Hyderabad.

The Ordinance would expire in November this year and it is therefore, necessary to replace it by an Act. Recently we have received very disquieting reports from the local administration in regard to the administration of the shrine. It is our intention to go rather closely into the many allegations of mismanagement and maladministration which are being made and to evolve suitable preventive measures and provide for efficient administration of the shrine, but the subject is one which requires careful consideration, and in view of the variety of interests involved it has not been possible to devise proposals for a permanent machinery to administer the affairs of the *Durgah*. For the present, therefore, we are doing nothing more than to make changes in the constitution of the Committee necessary on account of partition. The only change from the Ordinance which we have made is to eliminate the nominee of the Nizam and instead we have provided that the three members to be coopted would represent the acceding States and the State of Hyderabad. This, I think, is more in accord with the present position as well as the principle of eliminating altogether any Government nominee on this Committee. In the meantime, we shall look into the question of improving the affairs of the shrine and, if necessary, we shall approach this House for any further amendments of the Act that may be necessary later in the light of our examination of the whole position. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Durgah Khawaja Saheb Act, 1936, be taken into consideration."

Mr. Nazirudding Ahmad (West Bengal: Muslim): Sir, I rise to support the motion. This is a shrine in which the Muslims are very much interested and in which it is well known that some other communities are also interested. The present Bill is of a routine character and not at all controversial. It is a direct consequence of the partition of India and I believe the object of the Bill is to make consequential changes and such additions and alterations as have arisen out of certain political circumstances. But I submit that when further amendments are made, the wishes of some Muslim members who are more interested than others in this matter should also be considered. So far as the present Bill is concerned I have already submitted that I fully accept the measure.

Mr. Speaker: I believe there is nothing further to be said.

The question is:

"That the Bill further to amend the Durgah Khawaja Saheb Act, 1936, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause. There is no amendment

Shri H. V. Kamath (C. P. and Berar: General): On a minor point of clarification, is it better to spell the word 'Durgah' as Durgah or as Dargah?

Mr. Nazirudding Ahmad: I submit, Sir, that the present spelling is in order. The original Act which this Bill tries to amend, spells it as 'Durgah'. The present amendment must be in conformity with the original Act.

Mr. Speaker: In any case, there is no fear of any mistake of identity about it.

The question is:

"That clauses 1, 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3 were added to the Bill.

The Title and the Preamble were added to the Bill

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN ARMY (AMENDMENT) BILL

Mr. Speaker: I do not find any of the other Honourable Ministers in the House. What is the procedure to be followed?

Some Honourable Members: We might go home.

Mr. Speaker: I sent for the Honourable the Defence Minister immediately I saw the next item of business in the list. But it seems he is not available. I can suggest the course that though the Honourable the Home Minister is not conversant with the points about the next motion, he can as well move it. The next motion is that the Bill further to amend the Indian Army Act, 1911, be taken into consideration.

Mr. Nazirudding Ahmad (West Bengal: Muslim): But there are amendments.

Mr. Speaker: If the Honourable the Home Minister makes the motion, the honourable members who wish to speak on it may do so. Does nobody wish to speak?

Shri M. Ananthasayanam Ayyangar (Madras: General): I shall speak:

Mr. Speaker: The Honourable the Home Minister may move item No. 14 on the list.

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Brodcasting and the States): Sir, I beg to move:

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

Mr. Speaker: Motion moved:

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

Shri M. Ananthasayanam Ayyangar: Sir, it might look strange that I should rise to speak on this subject. If conscription should be introduced in this country I may not be fit to be conscripted because I am beyond the period. Therefore it evokes laughter from my friend in this House when I try to speak on the Army Bill. But I am interested and I can contribute a number of people to

defend the country the freedom of which we have achieved after so much sacrifice. Hereafter it is for us to consolidate our country and to see to it that it is defended properly. I welcome this measure.

The object of the Bill is this. There are forces in every acceding State and there are forces belonging to the Army in India. When joint action is necessary, who is to be in charge of the command of the forces? Hitherto it has been done by agreement between the States on the one side and the Government of India on the other side. That was on a temporary basis. Whenever they engaged themselves on a particular conflict or a particular engagement inside or outside the country, they agreed that for the time being, for the nonce, the person who is to be in charge of the forces should take charge of the command. This Bill seeks to place such agreements on a permanent footing without *ad hoc* agreements being brought into existence from time to time. It seeks to regulate the relations between the forces of Acceding States and Indian land forces, when acting together. The expression in the Bill is:

"When any of the forces of an Acceding State are acting with, or are attached to, any body of His Majesty's Indian Land Forces, whether within or outside the State, then all the provisions of this Act shall apply to such forces and the members thereof as if they formed part of that body of His Majesty's Indian Land Forces."

Similar things we have heard of even during the last war when the forces of Great Britain and the forces of France had to work together. I am only citing it for the sake of analogy. When allies have to join together and fight the enemy, there cannot be two commanders. Then both of them will spoil the broth. It is therefore necessary to place one of them in supreme command and the rest of the forces have to work under him. That is a very well known feature. For joint action one has to take the lead. The position with respect to the forces of the Acceding States and the Indian Forces is the same.

Some friend outside the House asked why the Naval forces are not included and brought within the scope of the Bill. I am not aware if any Acceding State has got any navy attached to it. If any huge navy is brought into existence by any Acceding State we will have to bring about coordination between the Royal Indian Navy and the other navy. As such there is no other navy and the Royal Indian Navy guards the entire ocean and guards the Acceding States also. The Bill is therefore limited to the Land Forces raised and maintained by the Government of India on the one side and raised and maintained by the Acceding States on the other. For the purpose of joint action it is the Government of India that will appoint a person who will take charge of the supreme command and the existing forces will work under his guidance. That is the object of this Bill.

Then there are consequential amendments. In clause (2) of section 7 after the word "means" the words "a person of Indian nationality holding his majesty's commission in His Majesty's Indian Laud Forces or" are to be inserted. That is, he must be a person of Indian nationality. Hitherto whosoever in charge could command and the object of this amendment is that a person belonging to Indian nationality alone should be in charge of the Forces.

This is a progressive piece of legislation and I would only ask the Honourable the Defence Minister with his very careful conduct of the defence of this country to see to it that we come by our own. This is an essential service and therefore we must not continue to be perpetually under the tutelage of foreigners.

I have absolutely nothing to say against the Commander-in-Chief who might maintain our Forces or train them properly for action. But that must only be for a limited period and steps must be taken to see that the defence of the country is entirely in the hands of our own men, whether they are taken out from acceding States or from the Indian Provinces.

[Sri M. Ananthasayanam Ayyangar]

Now, Sir, I am glad that the Honourable the Defence Minister has come back to take charge of his Bill.

Dr. B. V. Keskar (U.P.: General): Sir, I rise to support this Bill, but I consider that this Bill only tries to rectify certain inconsistencies existing at present, and certain inconveniences to which the Indian Army is put when the forces of acceding States are asked to join hands with the Indian Army. I submit that this is not sufficient. The Bill does not go far enough and I consider it necessary that very soon we should consider ways and means to see that the forces of Indian States are permanently assimilated and absorbed into the Indian Army. For the moment, this Bill applies only when they are asked to join, for example for certain purposes of war, the Indian Army. Then they are treated as part of the Indian Army. But otherwise they are autonomous; after the war they go back to their own State, the Indian Army has no more command over them and they also do not participate in the Indian Army.

This Bill is, no doubt, satisfactory as a make-shift arrangement, but it is necessary for us to see that the forces of the Indian States are permanently absorbed as viable units in the Indian Army itself. Otherwise, I consider that money is wasted because we know that some of the States forces are, from the point of view of equipment and efficiency, not at par with the Indian Army. If we absorb them into the Indian Army, we will see that they are as efficient and as well-equipped as other units of the Indian Army. No doubt, as the Honourable the Minister for States had once stated in reply to a question, keeping the States forces intact, though Defence is a matter which under the Instrument of Accession has been taken up by the Centre, is good for us because the States themselves pay for the expenses on their forces. I have no objection to the arrangement provided the efficiency of these armies is equal to ours, and at the same time they are, in equipment, in efficiency and organisation, at par with the units of our Army.

So, with the hope that very soon the Honourable the Minister for Defence will find out ways and means of bringing this into realization, I support the Bill.

Shri Mahavir Tyagi: (U.P.: General): Sir, I must first congratulate our Honourable the Defence Minister that he is just in time: in his absence the Honourable the Home Minister was keeping the front quite warm. I must also congratulate the Whip who has brought him in time.

Sir, the Bill is quite good because it is a beginning to amalgamate the States forces with our Central Forces. But then there are one or two points which I would like the Honourable the Defence Minister to consider. The verbal objections I would not raise just now.

There is one point which strikes me and it is that the standard of the army which the States have been keeping till now with their limited resources, is not quite up to the mark. As far as I know, their pay is too small and sometimes people who do not deserve high offices have been given high ranks and offices. For instance, there is a State—I have just forgotten the name—a small State, on the border of which there are two or three small rivers. There is a military officer who controls the four or five small ferry boats pulled by men, and that honourable officer of the army is known as either the "commander-in-Chief of the Naval Forces" or the "Admiral of the Forces". So, their ranks are sometimes too bombastic. Therefore, it would be a great clash if you give them a smaller name—those people will feel demoralised. And if you give the same names, it will be difficult for our seasoned Generals and Admirals to pay respects as they would in the case of those very ranks in our Army. So, it will be quite a serious job to adjust their ranks and arrange that these men in the State armies were quite hand in hand with men of our Army. But then if an adjustment is to take place as is provided in this Bill, we have also to keep in view the respective pay they receive. Now it is not logical to use

an army of a State along with your own Army, taking the same job and accepting the same sacrifice from them, and not paying them equivalent pay. So the question the consideration of which has been omitted from this Bill is that they must also draw equivalent pay. A soldier of the State army must draw as much pay as a private or soldier of your Army; so should the Lieutenants and other Commissioned officers. If they are to go on drawing their own pay, work and co-operation will not be quite ideal and complete. So, my suggestion is that the Honourable the Defence Minister must also consider the proposal whether he can introduce in this very Bill a sub-clause saying that all such officers, sub-commissioned officers or other ranks of the armies of the States, will draw the same pay as men holding equivalent contemporary ranks in your Army. (Pandit Hirday Nath Kunzru: 'They do'.) I beg to differ. The soldiers of the armies in the States do not draw as much pay and allowances and rations as the people in our Army do. Anyway, if they do, that is very good. My friend Mr. Hirday Nath Kunzru knows better about the Army and his word may be taken as an authority. If they do, then the objection will fail. But the Honourable Minister may just decide and see whether his policy is to see that those people are paid the same pay. . . . . .

Pandit Hirday Nath Kunzru (U.P.: General): When they serve with the Indian Army, all these things are observed.

Shri Mahavir Tyagi: Surely if these things are observed while the States forces serve with the Indian Army, then there was no need for this Bill at all. The Bill is to regulate how things are observed. Anyway, if they are given the same pay, I do not want to bother this House with my amendments or suggestions, but then the Honourable Minister has to say on the floor of the House that they draw the same pay.

Again, there are certain other changes which are called for. For instance there is a rank in this Bill known as the "Viceroy's Commissioned Officer." I would say that the Viceroy is no more and so the word "Viceroy's" may be taken out of it; the Viceroy does not exist. Since the Viceroy does not exist, it may be "Governor-General's Commissioned Officer" or something like that.

With these few observations I hope the Honourable Minister will go through this Bill as successfully as the Home Minister was carrying on in his absence.

Prof. N. G. Ranga (Madras: General): Mr. Speaker, Sir, so far as the limited object of this Bill is concerned, there cannot be very much disagreement. But what I want to know, and what the country wants to know, is: how long are we to have these so-called State Forces? There was a time when there might have been some need for these Forces because there was no responsible government in the States and any moment it was feared by the then British Government, the people might rise against their own Princes; therefore, the Princes should be allowed to keep their Forces. It is also true as a result of past history that these Princes—many of them—used to have may be much bigger forces, and therefore they thought it was a sort of great concession they were making to the Paramount Power by agreeing to get on with only smaller Forces and so on. But now I do not find that there is such a great need for separate State Forces in all these various States. Sometime ago, the Honourable Minister for States, Sardarji, assured us that the Central Government had power to supervise over the equipment, the numbers—I do not know activities—of these States Forces and he had a Special Officer for that purpose and he sent him round also and we were told that he was going to Hyderabad also. But we have known in recent weeks how difficult it has been for the Central Government to really control the various activities of this Army, its equipment, its training, its strength and various other details so far as Hyderabad is concerned. We do not want a

[Prof. N. G. Ranga]

similar situation ever to arise in regard to any other State. Under these circumstances I personally feel that the Central Government would do well to take the earliest possible steps to put an end to these State Forces and relieve these Maharajas and their Governments and their *Dewans* and their Ministries from this responsibility of having to maintain separate State Forces and leave the whole of the responsibility of keeping the Forces to the Central Government itself.

Shri M. Ananthasayanam Ayyangar: It is one of the subjects where they have acceded.

Prof. N. G. Ranga: Yes, especially as Defence is one of the subjects in regard to which all the States have acceded, I do sincerely hope that it would be possible for our very strong Minister of States to put an end to this institution of separate State Forces stationed in various places and then to think of settling this particular necessity of adjusting their various ranks, pay etc. as compared to our own Forces.

Babu Ramnarayan Singh (Bihar: General): Sir, more than a year has passed since we are free. I expected a comprehensive measure to regulate the Indian Army. In order to govern the Indian Army there are very few laws and regulations. After the British have gone, the British Army Act by which partly this Indian Army was governed is no more. I think therefore that the Honourable Minister should have brought a comprehensive measure to regulate and govern the Indian Army.

Sir, I take this opportunity to draw the attention of the Honourable Minister to the manner in which the Department is administered. I have known something of this. As I said, Sir, there are very few laws governing the Indian Army, but so far as the Administration is concerned, it appears that everything is done only according to the orders of somebody. In everything you will find nothing but only high-handedness and arbitrariness . . . . .

Shri B. L. Soondhi (East Punjab: General): You want orders of nobody?

Babu Ramnarayan Singh: Orders I want, but orders ought to be given according to certain law. For instance, according to the Indian Army Act, the punishment of Indian soldiers and officers.....

Mr. Speaker: I am afraid that discussion will be out of the scope of the present discussion. The honourable member must confine himself to the scope of the Bill.

Babu Ramnarayan Singh: I thank you Sir. I entirely agree that I should make no reference to that. But as I said, a comprehensive measure is urgently required to regulate the Indian Army and besides that, good administration is also necessary in the Department. I say it is more necessary. I shall finish in a minute or two.

Mr. Speaker: He may come to the Bill.

The Honourable Mr. Raf Ahmad Kidwai: He has nothing to say on the Bill.

Babu Ramnarayan Singh: According to the Indian Army Act, the Commander-in-Chief alone or people authorised by him can give only minor punishment, but in the present Administration we find that even major punishments are given.....

Mr. Speaker: I am afraid the honourable member is proceeding to irrelevancy.

Babu Ramnarayan Singh: I will not proceed further but, a comprehensive measure is necessary to regulate the Indian Army and to put the administration of the Department on a sound basis. A very comprehensive measure is necessary and I hope the Army Minister will bring such a measure.

Shri K. Santhanam (Madras: General): I have just one observation to make. In the new clause 6A it is said:

"When any of the Forces of an acceding State are acting with or, or are attached to, any body of His Majesty's Indian Land Forces, whether within or outside the State."

This Act should be applicable even when the Forces of a State are acting under instructions of the Government of India without any association with other Indian Forces. When they are going outside India, they should be available and so I suggest to the Honourable the Defence Minister that the words "going outside the State or . . . " must be added to make it more comprehensive and to cover all possible cases. For instance, if the Jodhpur Forces are asked to go to Jaisalmer to protect them, they should come under this Act, whether they are acting with other Indian Forces or not. As it is, the provision is not sufficiently comprehensive. I suggest he may consider this point.

The Honourable Sardar Baldev Singh (Minister for Defence): Sir, I apologise to the House for being late when this Bill was taken up.

Babu Ramnarayan Singh: For the last time.

The Honourable Sardar Baldev Singh: This is a very simple measure and the criticism that has been made by honourable members seems to be a bit outside the scope of this Bill. The present Bill, the House will remember, is to replace the Ordinance that was enforced a few months ago. According to that Ordinance the King's Commissioned Indian Officers were not subject to Indian Army Act. The object of this Bill is to bring the King's Commissioned Officer under the Indian Army Act. King's Commissioned Officers were subject to British Army Act and after the 15th of August they were brought under the Indian Army Act by an Ordinance and the present Bill will bring all the King's Commissioned Officers under the Indian Army Act.

As regards the States Forces, I am afraid the criticism of Mr. Tyagi is based on some misunderstanding. The present object of the Bill is that all the States Forces which are with the Indian Union will be under the Indian Army Act. Where they are working or employed in a certain State or a Union of States, it does not make any difference. As soon as they come under or they work according to the instructions of the Indian Union, then they are under our control and it does not matter whether they are in a State or in Indian Union territory. So the defect that has been pointed out by Mr. Santhanam is really covered in this Section. Now, take the case of some of the State Forces which are at present employed in Kashmir, They are under the Indian Army Act and similarly, if those Forces are sent to some other State under the instructions of the Government of India, they will be subject to Indian Army Act and they will be under the orders of the Government of India.

Shri K. Santhanam: Then why do you want this Bill?

The Honourable Sardar Baldev Singh: The object of this Bill is that the State Forces when they are within their respective States—for instance, the State Forces of Jodhpur within Jodhpur State: they are under that States Union—they are not under our control. In that Union they are entirely under the control of that Union, subject of course to the over-all supervision of the Indian Union, because as you know Defence is one of the three subjects in respect of which the States have acceded.

Shri K. Santhanam: The question is whether they are under the Indian Army Act. If they are under the Indian Army Act, then this Bill is useless.

The Honourable Sardar Baldev Singh: In their own State, at present they are not and I am afraid, Sir, that it will not be possible to bring them under the Army Act in their State at present. This subject is being discussed separately. Now for the training of the State forces, the scale of pay of the State forces, etc. it is a subject which is being dealt with separately. A Committee is going into this matter and I hope they will be able to suggest

[Sardar Baldev Singh]

something by which we will be able to bring the training of the State forces and the scale of pay of State forces on the same level as the Indian forces.

It was also suggested, Sir, that the State forces should be amalgamated with the Indian Army. I am afraid, this is rather a ticklish question and I would not like to raise this at this stage. As I have already pointed out this matter is being dealt with separately and several meetings have been held and I hope that the Committee will be able to suggest some way out of this difficulty, but I can assure the House that it is the intention of the Government of India to bring about the training of the State forces, the standard of pay, etc. on the same level as that of the Indian Army.

Another criticism was made, Sir, about the removal of the word 'Viceroy'. That has already been done. Perhaps the honourable member did not notice this change that instead of this 'Viceroy's commissioned officers' the officers are now known as 'junior commissioned officers', (J.C.Os). That is all that I have got to say in connection with the Bill.

The other comprehensive Bill, that is, the revision of the Indian Army Act as a whole is quite a different subject and I am afraid, it is not possible to bring that Bill before this House for some time to come. In view of the changes that have taken place since the 15th August and the entirely new structure, the Army Act will have to be carefully revised and unless it has been carefully revised, it is not possible to bring that Bill before the House, but I am sure that when it has been thoroughly enquired into and suitable changes have been made, the Indian Army Act will be put before the House and the House will have the fullest opportunity to discuss and make any suggestions they may like.

Mr. Hossain Imam (Bihar: Muslim): In view of the statement of the Honourable the Defence Minister that the Viceroy's Commissioned Officers has been changed to that of Junior Commissioned Officers, would it not be better to change the word 'Viceroy's into 'junior' in the present Bill? If the change has already been made, it is anomalous to have a provision in the Act mentioning the categories that does not exist.

Mr. Speaker: We shall see to that.

The question is:

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

The motion was adopted.

Mr. Nasiruddin Ahmad: Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed section 6A, for the word 'are' wherever it occurs in line three, the word 'is' be substituted."

Sir, this is more than a mere drafting change. I think, Sir, in the interests of grammar, this is absolutely necessary. The House will be pleased to consider the structure of the sentences. It runs: "when any of the forces of an acceding State are acting with, or are attached to, any body of His Majesty's Indian land Forces ....." The word "any" makes it a singular number and therefore the corresponding verb should be singular.

Mr. Speaker: Is "any" always a singular?

Mr. Nasiruddin Ahmad: There are exceptions in the case of Government. We say, "The Government are considering" but this is to invest the Government with some dignity, but we say "This Assembly is of opinion" and not "This Assembly are of opinion."

Mr. Speaker: I am referring to the word "any".

Mr. Nasiruddin Ahmad: The word "any" implies the singular. All the forces means any force, of several forces. There are several forces and the context

talks of any of the forces that is any force. When you speak of any force, the verb should be singular, unless we want to invest the forces with some amount of dignity, as we do in the case of Government or in the case of an editor or in the case of royalty. As we are not prepared to give the same amount of royal dignity to this Assembly, we say: "This Assembly is of the opinion" and we cannot say "Any of the forces . . . are acting with, or are attached to . . ."

Then again in the Army there should be some uniformity. They do not differ from each other but act as one body. So considered from that point of view also the singular is indicated. Sometimes we say, "the committee are of opinion". That is possible, but only from one point of view and that is when it is taken singly each member and separately. Then of course, we say "are", but when we take the Committee or Government as a single body without the plural significance, then they act as one and the singular verb is also to be used. That is the common acceptation of the situation. I submit, Sir, this change is necessitated by questions of grammar.

Mr. Speaker: I do not know whether the Honourable Minister accepts this.

The Honourable Sardar Baldev Singh: The present language is quite all all right.

Mr. Speaker: "Any one of the boys" or "any of the boys?" That is the same thing.

Mr. Nasiruddin Ahmad: I am absolutely clear on the point that it is singular.

Mr. Speaker: But the other view is also there. The question is:

"That in clause 2 of the Bill, in the proposed section 6A for the word 'are' wherever it occurs in line three, the word 'is' be substituted."

The motion was negatived.

Mr. Speaker: The second amendment seems perhaps to follow the wording of the original Act.

The Honourable Sardar Baldev Singh: I do not accept that amendment.

Mr. Speaker: It has to be followed consistently. Is the objection clear to the honourable member?

This is an amending legislation and therefore the phraseology to be used in this particular clause has to be the same as the phraseology in the original Act and therefore the phrase "His Majesty's Indian Land Forces" has to be here also. This answers also the objection of Mr. Hossain Imam.

Mr. Nasiruddin Ahmad: After the 15th of August it would be wrong to say "His Majesty's Indian Land Forces". The fact that the Indian Army Act has not been amended in this respect is no ground for perpetuating a mistake. It is today an anachronism to say that the "Indian Forces" are "His Majesty's forces." The fact that it is so in the original Act is no reason why we should again commit the same mistake, provided it is a mistake, I think. We should accept the amendment and try to give retrospective effect to the Act itself.

The Honourable Sardar Baldev Singh: I do not accept the amendment.

Mr. Speaker: I do not think it is necessary to put the amendment to vote. The Honourable Minister will bear it in mind when he brings the comprehensive legislation.

Mr. Nasiruddin Ahmad: In that case, I should move the amendment.

Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed section 6A, for the words 'His Majesty's Indian Land Forces', wherever they occur, the words 'The Indian Land Forces', be substituted."

Mr. Speaker: The question is:

"That in clause 2 of the Bill, in the proposed section 6A, for the words 'His Majesty's Indian Land Forces', wherever they occur, the words 'The Indian Land Forces', be substituted."

The motion was negatived.

Shri Mahavir Tyagi: Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed section 6A, after the words 'Acceding State', occurring in line 2, the words 'or of a Union of Acceding States' be inserted."

Sir, this amendment is a very simple one. My meaning in moving this amendment is, while you take into account the forces of the acceding States, many of the States having amalgamated together, those forces have now become the forces of the Union instead of one particular State. Therefore we may have the following words: "When any of the forces of an Acceding State or a Union of Acceding States." I want to add the words "or a Union of Acceding States" so that the forces, now not belonging to the particular State which has acceded, but the forces belonging to the Union, may also come under the Act.

Mr. Speaker: Is not a union of States, a State? A Union itself is a State.

Shri Mahavir Tyagi: If that is your interpretation, I do not want to move it.

The Honourable Sardar Baldev Singh: A Union of States does not really make much of a difference. My difficulty in accepting this amendment is that the whole question has to be taken together. There are certain States where the Union has not yet been recognised. As the Honourable the Speaker has pointed out, a Union of States is also a State. Really this amendment does not serve any useful purpose. I would request the honourable member not to press it.

Mr. Speaker: I need not put it to the House. About the other amendment, I am afraid, that is out of order, in the sense that it is beyond the scope of the present Bill.

Shri Mahavir Tyagi: Then, it goes out.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

The Honourable Sardar Baldev Singh: Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, for the words, 'His Majesty's Indian Land Forces', the words 'His Majesty's Land Forces' be substituted."

Sir, this was left out by mistake, and the Law Ministry pointed out this at the last minute. Therefore, I have moved this amendment.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, for the words 'His Majesty's Indian Land Forces', the words 'His Majesty's Land Forces' be substituted."

I should like to know how the position stands with reference to the clause which we have just adopted. There also we have used the expression "His Majesty's Indian Land Forces." There also a similar expression will have to be used.

Shri M. Ananthasayanam Ayyangar: May I ask, Sir, if the removal of the word 'Indian' will mean the Empire British forces? Why not after independence, restrict it to the Indian Land forces and why should we make the acceding

States also submit. I thought slavery had disappeared. Why should we put the yoke over the heads of the acceding States also. They have also got independence; we have also got independence. Let us not get back to the British Land Forces. We say, Royal Indian Navy; we say Royal Indian Air Force. Why should we say in the case of the Land Forces alone British Land Forces? I am unable to understand this correctly. After the so called independence we have got, so far as this is concerned, we are putting our neck round the halter. I am far from it.

Shri K. Santhanam: I oppose the amendment. I think it is wholly inappropriate because it will extend the scope of this Bill to include all the British Forces wherever situate. We are now bringing a Bill to bring certain State Forces under the Indian Army Act. There is no purpose in removing the word 'Indian' in the first clause or in the later clauses.

Mr. Nazirudding Ahmad: I also oppose the amendment, because, by adopting it we would be denationalising ourselves. The expression would read as His Majesty's Land Forces and we want to remove the word 'Indian'. (Interruption). This is a very objectionable thing. The result would be, as an honourable member has suggested, we would become Anglo Indian Forces.

The Honourable Sardar Baldev Singh: Sir, the amendment, as I have already said, has been suggested by the Law Ministry, on account of an omission made in the original Bill. The correct position is something like this. The definition of a K.C.I.O. is one who holds His Majesty's Commission in His Majesty's Land Forces. Any one holding a Commission in His Majesty's Indian Land Forces would be called an I.C.O., Indian Commissioned Officer. If clause 4 sub-clause (1) of the Bill is allowed to stand as it is, a K.C.I.O. will not come under this Bill at all. The very purpose for which this Bill is brought forward will be defeated. A K.C.I.O. will not come under the Indian Army Act. That is why this amendment has been necessitated.

Mr. Speaker: I have not followed the argument. If the word 'Indian' is to be deleted from clause 4, should it be retained in clause 6A which has just been added?

The Honourable Sardar Baldev Singh: I think it should be corrected wherever it occurs.

Mr. Nazirudding Ahmad: It occurs in four places.

Mr. Speaker: There is yet a third reading of the Bill.

Shri K. Santhanam: In any case, the word 'Indian' has to be in the first part.

Mr. Speaker: That is what I wanted to know.

The question is:

"That in sub-clause (1) of clause 4 of the Bill, for the words, 'His Majesty's Indian Land Forces', the words 'His Majesty's Land Forces' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4 as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Baldev Singh: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

INDIAN TELEGRAPH (AMENDMENT) BILL.

The Honourable Mr. Rafi Ahmad Kidwai: (Minister for Communications). Sir, I beg to move:

"That the Bill to amend the Indian Telegraph Act, 1885, be taken into consideration."

Sir, the scope of the Bill has been explained in the Statement of Objects and Reasons. It is to extend the application of the Telegraph Act to the acceding States. As communications is one of the subjects which all the States will have to accede to the Union, it is proposed to amend the different Acts in the Communications Department to make them applicable to the acceding States, and to the whole of India instead of the existing provinces. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to amend the Indian Telegraph Act, 1885, be taken into consideration."

Dr. B. V. Keskar (U.P.: General): Sir, I welcome the Bill, but we were under the impression that the acceding Indian States had already surrendered their communications to the guidance of the Central Government We were all under a misapprehension and we find that we still have need to amend the Act to give us power in the matter of telegraphs and other relevant matters. I submit that with regard to other communications, with regard to ports, with regard to civil aviation .....

The Honourable Mr. Rafi Ahmad Kidwai: All that was done in the last session.

Dr. B. V. Keskar: I submit that with regard to Posts the matter is not very clear.

The Honourable Mr. Rafi Ahmad Kidwai: Already the necessary amending Bills have been brought before the House.

Dr. B. V. Keskar: Sir, I hope that, as it is written in the Instrument of Accession, all the communications would be effectively in the hands of the Central Government as soon as possible. Sir, I welcome the Bill.

Mr. Speaker: The question is:

"That the Bill to amend the Indian Telegraph Act, 1885, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I beg to move:

"That in clause 4 of the Bill, in part (b) of the proposed section 35, for the word 'construed', the words 'deemed to include' be substituted."

I submit this will follow from the contest. Sir, I move.

The Honourable Mr. Rafi Ahmad Kidwai: Sir, I am not a grammarian and so it is difficult for me to understand the distinction between what is contained in the Bill and what is now proposed. But the advice of my legal advisers is that the language of the Bill is more suitable than the words proposed in the amendment.

Mr. Speaker: Need I put the amendment to the House?

Mr. Nasiruddin Ahmad: No, Sir.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. Rafi Ahmad Kidwai: Sir, I move:

"That the Bill be passed."

Mr. Speaker: Motion moved:

"That the Bill be passed"

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I want one doubt to be cleared about Hyderabad State and whether it would apply to that State. It is not an acceding State but there is a Standstill Agreement. So far as telegraphs and Communications are concerned, the Standstill Agreement keeps them going in those very terms which were in force before 15th August, 1947. Does this apply there also?

The Honourable Mr. Rafi Ahmad Kidwai: The honourable member must have noticed that instead of the word "provinces" we have substituted the word "India". So it applies all over the country without any exception.

Prof. N. G. Ranga (Madras: General): Sir, in the light of the Honourable Minister's reply I wish to express my dissatisfaction at the manner in which the Hyderabad State was allowed to be in possession of its own telegraphs and post offices. I wish the Government of India had taken sufficient steps to take charge of that side of administration also when they were concluding this Standstill Agreement

The Honourable Mr. Rafi Ahmad Kidwai: Every State possesses post offices and telegraph offices besides our own offices in that State. That was the position in Hyderabad and that is the position in several States. That position continues and we have got post offices and telegraph offices. The State also has its post offices. The Standstill Agreement merely extends the arrangement that existed before and we have not surrendered any of our offices in the State.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COAL MINES PROVIDENT FUND AND BONUS SCHEMES BILL

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir, I beg to move:

"That the to Bill to make provision for the framing of a Provident Fund Scheme and a Bonus Scheme for persons employed in coal mines, be taken into consideration."

As stated in the Statement of Objects and Reasons, this Bill is primarily meant to put on the statute-book an Ordinance which was issued in April last. In 1946 the condition in the coal mines was very disturbing and we had a

[Shri Jagjivan Ram]

series of disputes between employers and employees. Coal being the basic industry on which existing industries mostly depend and on which also depends the future industrial development of the country, Government were very anxious to stabilise the labour forces in the coalfields. With that end in view we appointed in 1947 a conciliation board. The board gave an award which was accepted unanimously by the employers and the workers. We then proceeded to give effect to the recommendations of that award. One of the items recommended in that award was the introduction of provident funds for the coal miners. It also recommended that a bonus linked with attendance and production should be paid to the employees. The employers agreed to pay the bonus as well as to create a provident fund for the coal miners. In order to have legal sanction to this agreement we issued an Ordinance and under that Ordinance we have already formulated a bonus scheme which is working. We have also under our examination a provident fund scheme which will be soon issued. The bonus is being regularly paid to the employees there. and we have also asked the employers to deduct the amount of the provident fund contributions from the bonus of the qualified workers. We have also asked the employers to contribute their share of the provident fund. It will amount approximately to one anna in a rupee of the basic earning of the employees and the employers will also contribute an equal amount. The very important features of the provident fund scheme are that it is being experimented in an industry where the workers are not organised. It is easier to introduce any provident fund scheme in a factory where regular registers of workers are maintained.

But those who have any knowledge of the working conditions in the coal mines, will agree with me that a vast majority of the employees in the coal mines are casual workers. At intervals they return to their native homes where they are engaged in harvesting or other works connected with agriculture. It is only for short periods in the year that they go to the coalfields in order to supplement their income from agriculture by what they can earn in the coalfields. So the employers have taken the view that it is a tough job to introduce such a provident fund scheme for casual workers. But all the same, in spite of all these difficulties, we are determined to make it a success because on the success of this scheme depends the introduction of provident funds for the workers in this country in various unorganised industries.

Sir, I do not want to make any long speech. This Bill is a simple one but it has great potentialities and I hope the House will unanimously accept my motion.

Mr. Speaker: Motion moved:

"That the Bill to make provision for the framing of a Provident Fund Scheme and a Bonus Scheme for persons employed in coal mines, be taken into consideration."

Mr. R. K. Sidhva (C. P. and Berar: General): Sir, this Bill as the Honourable Minister has stated is the result of the Ordinance promulgated by him last April, and I congratulate him for having promulgated an Ordinance to establish a provident fund for the workers in coal mines. This Bill, Sir, although restricted to a particular class of workers. I heartily welcome. Whatever small measures, which are really overdue to the workers, are brought by this Government, will be really welcomed not only by the House but by the workers outside who are working in industries and other spheres.

It was also suggested, Sir, that the State forces should be amalgamated by Shri K. Santhanam (one of the panel of Chairmen).]

Sir, the provident fund is really a necessity and it is considered overdue for that class of people, who after their hard work of 25 to 30 years, could lay aside some amount in their old age for the maintenance of themselves and their families. That is an established fact. But unfortunately employers in India

in their own interests have not realised this so far. The result is that differences and bitterness between the employers and employees have increased. A great deal of tension could have been avoided if the employers had arisen to the occasion in establishing in every industrial and other concerns a provident fund, and thereby cementing the differences which at present exist between the employers and employees. For their mutual trust and confidence, Sir, I do feel that the employers even now should realise that they themselves should introduce this scheme and that they should not allow the Government to bring in a measure whereby they would be forced to introduce such a scheme: whereas if it were introduced by themselves, it would be more welcome than if the scheme were forced upon them by Government. But we cannot help it. If the employers are so unreasonable, then the Government have to intervene and we are very glad that we have an Honourable Minister who, today, realizes the interests of the workers and who has at heart their real interest and all the time he is alert to see what the employees actually need. I would have rather wished that he had brought forward a Bill of a comprehensive nature, giving provident fund to every employee—people engaged in house-building, quarry workers and workers in very many other industries. But he has told us that this is an experimental measure. I do not see why the provident fund scheme should be still experimented with. It is absolutely essential if industry is to progress. Industrialists must be told how necessary it is for the good of the country and for themselves as well, that all these potential measures without loss of time should be introduced.

In the last Assembly Session I introduced a Bill for the establishment and grant of provident fund to all classes of workers by their employers. This Bill, makes provision for all the workers. Today, there are casual workers, as I stated, in docks, wharves, jetties, and tramways. They have no provident funds and they are the employees of the essential services. Although Government have come to the aid of the employers in declaring certain of these services as essential, yet no provision has been made for provident fund, although they belong to the essential services. As such when any employee gets an appointment elsewhere, on a higher salarly he is precluded from applying because under the Essential Services Act there is a clause that they will be penalized if they leave their present employers without the latters' consent. Bearing in mind this factor, I hope the Honourable Minister, as he is always ready to help the workers, will kindly bring in the provident fund scheme at least for the jetty and dock labourers, who are really large in numbers, so that they may get the same facility as we are today providing to the coal mine workers.

My Bill, as I stated, definitely mentions what kind the provident fund would be. Here in this Bill the Honourable Minister has introduced a scheme whereby there will be a Board of Trustees who will function for the purpose of this provident fund and the bonus scheme. The Bill does not mention what the employers will contribute but he was good enough to say in reply to a question from me that the employees contribution would be one anna per rupee, which is the quota also that the employers would contribute. Generally in most of the companies, the employers give in some instances double, and in some one and a half, the share of the contribution of the employees. I do feel that the employers ought to be generous in view of the large profits they make and give a larger share than what the employees give. I do feel that there should have been a proviso that such and such amounts should be contributed by employers and employees. That would have given us an opportunity to move our amendments. But unfortunately the Honourable Minister has devised a new method, which of course may be beneficial, or it may not be so! I would have really preferred that the amounts should have been mentioned in the Schedule to this Bill.

I do not know whether the Board which shall be formed will also see that on these contributions interest also will be given to the employees. Under the

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Provident Fund Act all this money has to be kept absolutely separate and the interest accrued should be due to the employees. In some provident funds there is a proviso for compound interest. I do not know what is the idea as far as the interest is concerned for this class of coal mine workers, whether the trustees in their agreement or whatever the memorandum may be called would mention the interest as well as the contribution of the employers and the employees. I would like to be more enlightened on this. If the scheme has not yet been finalised I would suggest to the Honourable Minister to see that the employers' contribution is more, if not double or 1½, it should be at least somewhat more than what the employees give. That will be a really generous attitude on the part of the employers or industrialists. I am intentionally using the word "generous", although I consider it their duty to contribute and satisfy the workers who today bring in larger revenues and profits to these industrialists.

Having said all this, I certainly again congratulate the Honourable the Labour Minister for always being alert and in every session of the Assembly bringing in one or other kind of legislation for the benefit of the labourers and workers. I am very happy and I am sure a large section of the House is also happy and the workers will always remember him, because whereas in the previous assemblies these workers were absolutely neglected there is in this Free India today a Minister who does not forget the labourers and he brings in some measure or the other in every session.

Shrimati Renuka Ray (West Bengal: General): Sir, I rise to support this measure, which as the Honourable Minister told us, seeks to ratify an Ordinance which has already come into being. Speaking on this Bill I am reminded of other days, of a time when a different government was in power. Some of us who are still here today, such as my honourable friend Prof. Ranga, will remember that in spite of every effort on our part it was impossible to make the Government understand the vital need for bringing in amenities for the mine workers. The whole subject came under the public eye and the attention of the predecessor of this Assembly was drawn to this subject at the time when the question of the withdrawal of the permission for women working in mines was done without the consent of the people of this country. In spite of every effort that we made at that time for amenities to coal mine labour it was very difficult to get a start with and when it did come it came very slowly. At that time it would have been impossible to suggest a scheme of provident fund or a bonus scheme, for much less that we asked for was denied. As soon as this measure goes through this House perhaps in a few hours it will be placed on the statute book and this shows the tremendous changes that have taken place.

My honourable friend who preceded me referred to the fact that the Labour Minister has brought some very good pieces of legislation for workers. I wholeheartedly endorse it. I would say more. It is not merely bringing of laws on to the statute book that will help us, but it is the implementation of such schemes that is most important and I would say that the Labour Minister has shown that he has a very practical insight. He not only plans and has legislation passed but he realises the very great need to see that these plans are executed properly. To a very large extent the execution of such plans depends on the co-operation not only between the provinces and the Centre but also co-operation between the employer and labour. So when my honourable friend Mr. Sidhva says "Why don't you make it more precise, get the employer to subscribe more and ask him to be more generous" I feel that this is idealistic. What the Honourable the Labour Minister is trying to do is that if we can get this done we will get as much as we can possibly do for the present. This is the first time that a provident fund is being established for labour, which is really casual labour. As we all know labour in mines is

not permanent in the sense that the mines does no work right through the year. For this reason it is very much more difficult to bring in any kind of provident fund scheme and work it properly than in any other type of labour. So to a large extent it must be experimental in the beginning. Sir, I support the Bill as it is and I do not agree with my honourable friend that we can do anything more about it at the moment.

In regard to the other suggestion that we should have such schemes in all other types of labour I agree with Mr. Sidhva. But here also it is not merely the passing of legislation that matters but its implementation. It is perhaps better to go a little slow in passing legislation, so that we can get these things implemented when the legislation has been passed. It would be no earthly use if we had a whole heap of legislation enacted and put on the statute book and when it came to putting them into operation we found that we could not go ahead with them. My praise for the Honourable the Labour Minister is more on this aspect that he realises the realities and difficulties and in spite of it he goes ahead with legislation. He is not just an idealist. I do not have any quarrel with idealism; I believe in it. But in regard to these matters one must have a practical attitude: otherwise one cannot go ahead. Sir, I support this measure. I am sure there cannot be a single member in this House who does not support it and I do congratulate the Honourable the Labour Minister for the manner in which he has gone on with labour legislation.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, there cannot be two opinions with regard to either the desirability of this legislation or the fact that the Labour Minister has been looking after the interests of labour in India to the best of his ability and to the largest extent possible. The honourable speaker who preceded me seemed to differ from the points raised by my honourable friend Mr. Sidhva. I for one am more in agreement with my honourable friend Mr. Sidhva. The first point I would like to make is that the Bill appears to follow more or less wholly the terms of the Ordinance. I wonder if it was so practically impossible to alter the terms of the Ordinance and to have brought before the House a legislation different in character from the one we have before us. For instance, I would like to ask whether it was not possible to say that every worker in a coal mine shall by the very fact that he works in a coal mine get a provident fund and a specific bonus, and whether it was not possible specifically to provide in the Act itself that he should get it *ipso facto* without its being made dependent on the fact that Government will frame a scheme notify about it. Then the rules will be published and made applicable. I would also like to know whether it was not possible. When we are going to place on the statute book a permanent legislation to make it compulsory in the case especially of the mine workers. When we work such a scheme of compulsory provident fund and bonus in respect of the mine workers, then probably in a year or two it might have been possible for us to extend the same benefits, as my honourable friend Mr. Sidhva has so earnestly suggested, to the Port Trust Workers and others. If it is possible I would like the same benefit to be given to Port Trust and similar workers as a matter of course. If it is possible to alter the terms of the enactment I would like it to be made absolutely compulsory for every employer that he shall pay to every mine worker a specific provident fund and bonus. A mine worker would thus get a provident fund *ipso facto* as well as bonus and it would not be necessary for the Government to interfere at every stage or to frame a scheme or to lay down any varying rates.

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Sir, it has been pointed out by the honourable speaker who just sat down that there will be many practical difficulties. I should think it will be far easier to work out this sort of scheme because then I do not think any Inspectors even will be necessary. Every employee will be entitled to get it and he who does not get it will be entitled to demand it. In that case I think that the appointment of Inspectors and all provisions which are consequential would be

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unnecessary. The labour welfare officers who are already employed may be able to look after this matter and see that the provident fund benefit and bonus are given.

There is another point where I am in the fullest agreement with my honourable friend Mr. Sidhva and that is that the employers ought to pay something more than the contribution that the employees would make. We have Sir, the instance of teachers working in private institutions. The teacher pays about half an anna in the rupee, the private management pays half an anna and the Government pays one anna. So, for every half an anna that a teacher contributes from his own funds, the total provident fund he gets comes to about 2 annas. In the present case his contribution is likely to be 50 per cent. The point has been kept rather vague, but the idea of Government in all probability is that the employer will not contribute anything very much more than what the employee does. I would press upon the Government that the contribution of the employer should be double that of the employee. Otherwise the whole sum would be trivial and insignificant, and I do not know whether it will be worth while giving him this insignificant amount. It will be half his own sacrifice and he will be getting just one anna in the rupee. The trivialness of the amount may also make the whole effort not worth while. I would like to press this point of view upon the Honourable Minister.

If the two points that I have made are likely to appeal to the Honourable Minister I would like to make a third point and that is to suggest that this Bill may be referred to a Select Committee to thrash out these two points, and if it is possible to amend this Bill and bring in this very Bill in a different shape which will contribute automatically to the welfare of coalminers.

Mr. Chairman: Has the honourable member tabled a motion to this effect?

Dr. P. S. Deshmukh: I have not.

Mr. Chairman: Then it is a suggestion which cannot be operative now.

Dr. P. S. Deshmukh: The Honourable Minister could withdraw the Bill and bring in a new Bill. That course is open to him.

These are the two points I wish to make and if the step I have suggested were to be taken by the Honourable Minister we would be saving much of the time of the House and we would be conferring a real and a lasting benefit upon the employees. I know the Honourable Minister has the benefit of the labourers really at heart. Probably it was due to pressure of work that these two points escaped his attention. I therefore think he might do well to consider my suggestions for making the Bill still more effective and take the steps I have suggested.

Mr. Hossain Imam (Bihar: Muslim): While welcoming this measure I wish to sound two notes of warning. Firstly, I find a tendency that we get skeleton laws passed in the Constituent Assembly and the details are left to be filled by the executive which deprives this House of the right and utility of furnishing suggestions and making the law more complete, more useful and more comprehensive. I agree that there is a world of difference between a foreign government and a national government whom we can trust. But after all is said and done let us realize that the trust which we impose is not a trust on the Minister alone; it is a trust on the permanent executive who are there. Are they as much conversant with the condition of the people, living as they do in the

seclusion of the secretariat, as the members of this House who have everyday to come in contact with the people and know where the shoe pinches? I therefore suggest that in future we should have more comprehensive measures, giving a smaller amount of rule-making power to the executive than we are doing in this measure. The whole of this Bill is just an enabling one and we have not got any concrete thing to build the house on.

Secondly, I wish to sound another note of warning, namely, that we have been during the past concentrating on ameliorating the condition of the labour without trying to improve his outturn. As is perhaps known, India is among the last in the raising per man per hour of coal. The best results are obtained by Russia; the second by U.S.A.; and England is fairly high up in the list of the efficiency of coal miners. The Indian coal miner is the worst. And the greatest reason for that is his absenteeism, his laziness and his want of—if you will excuse my saying so—the urge to earn more. May I mention that the condition of the labourer is that as soon as he gets some work in the village he leaves the coalfield, no matter however high he is paid, because he feels he has got his own work to do in the village, his own lands to cultivate. He is absent for three to four months. What I suggest is that in making the rules for this Provident Fund you can so arrange things that it will be more advantageous to the labourer to remain a constant labourer rather than be a periodical one. Today you have got experts in every walk of life. Mining also requires men who know their job and who have the power to do it. I agree that the conditions of the mines are such that it is conducive to the health of the miners for them to absent themselves at times for short spells, but not for long spells. I therefore suggest in framing the rules for the Provident Fund, care should be taken to give the coal mine worker an inducement to be a more regular worker, and in the bonus scheme we should take care that he should improve his work, that he should become more expert and raise more coal than he has been doing. I have to make these suggestions in general terms because the Bill does not provide for them. I know amendments could be moved, but I am perfectly confident that the Honourable Minister and his Secretary are so wide awake and so keen to help labour that when the final scheme is framed I hope all these things will be taken into consideration and our labour will improve and will be a better labour.

Prof. N. G. Ranga (Madras: General): Mr. Chairman, Sir, if Ordinances are to be welcomed at all at any time, they are welcome specially for a purpose like this. Generally they are obnoxious to me and I am sure they are obnoxious to this House, but this is one Government, anyhow in the history of our own country, that has resorted to Ordinances in order to improve the conditions of our labour, and that I consider to be a great feather in the cap of my honourable friend Mr. Jagjivan Ram.

Sir, my honourable friend Mr. Hossain Imam was rather critical of labour in our country, and especially mine labour. I wish to tell him that if their output is so low it cannot be their own fault. The conditions of employment provided by the employers are themselves to a very great extent responsible for it.

Mr. Hossain Imam: I come from that part of the country where coal is mined.

Prof. N. G. Ranga: Yes, I know. But my honourable friend ought to know that the conditions of employment and the implements they are provided with are not half as good as they are in England or in other countries of the West. Under those circumstances you cannot very well expect our miners to show as good an output as the workers in other countries.

Secondly, Sir, he has accused them of being lazy. Why are they lazy? Is it simply because they want to be lazy? They are not lazy in their villages, they are not known to be lazy people in their own hill tracts. They become

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lazy here because they are not having enough to eat and enough of other comforts. Therefore, their lassitude, indeed their tiresomeness, is now generally mistaken for laziness and then they are being branded as being lazy, and so paid less also and accused in the manner in which my honourable friend has accused them.

Then there is this question of absence of incentive to earn more. This is an old, old argument trotted out by capitalists in the past, but I am surprised how my honourable friend who has evinced a great interest in labour has come to mouth this argument. It is an extraordinary argument. I do not think even these hill people, these *Adibasis*, are indifferent to any incentive to earn more. If that is so, then there would not have been these strikes, there would not have been this increasing absenteeism itself, there would not have been this unwillingness to go and work at the mines, there would not have been any necessity for this Board of Conciliation to suggest that emergent steps should be taken by Government in order to institute these two schemes of provident fund and bonus. It is because they were not being paid enough and they wanted to earn more and they could not get enough of earnings from these employers, that these people began to refuse work and for that reason all these schemes have had to be produced. Therefore, it shows that they do certainly have an incentive to earn more.

Then there is the third complaint, that is the complaint of absenteeism. Why is it there? I do not think, first of all, that the anxiety of these workers to go back to their own villages and cultivate their own fields and enjoy the rural atmosphere in their villages for a few months in any year is at all wrong. It is good; otherwise what would be the fate of these people if they are to be condemned to live at the pit-heads throughout the year under the conditions that prevail there—the dearth, the filth, the dust, the lack of proper housing accommodation, bathing accommodation and various other facilities that these workers much need—men, women and their children—and even educational facilities. Under these circumstances, I think it is very wise indeed on their part to be thinking of going back to their own villages, may be for a couple of months to replenish their health and also to look to their own fields, and come back to the mines.

Indeed, one of the results that this scheme is intended to yield is to minimise this absenteeism, to induce workers not to remain a day longer than necessary in their villages, to come back again so that they will become entitled to more and more of this bonus, more and more of this provident fund.

I wish to say that this indeed is a revolutionary measure. Take England, is there a scheme for provident fund for casual workers there? I have not come across any till now. In America or in the other countries of the West it has not been instituted till now. In this country this is being instituted today. As our honourable lady Mrs. Renuka Ray has said, we have been asking for a thing like this and we could not get it. This is really a sort of a leap in the dark because we do not know how it is going to work. Certainly it is an experiment, but if an experiment is going to be made in the social sphere then it is well worth making this experiment because if it succeeds then we will extend it to more than fifty million workers in this country. For instance, you have got your agricultural workers—not the day to day workers, you have got the workers employed on monthly contracts and workers employed on annual contracts: those people have till now not been provided with any provident fund. They have got to be provided with this scheme. Then it has got to be extended also to the day to day agricultural workers, too.

My honourable friend the Minister in charge has told me that it is not necessary that a worker should stick to any one particular mine. It is enough so

long as he works as a miner; it does not matter if he moves from one mine to another. All that he has got to do is to take a discharge certificate from one mine owner and go to another and get it notified there in the other register that he has been admitted. That is enough for him, and everywhere he will be provided the necessary facilities for provident fund as well as bonus. Therefore, all that the worker has got to do is to be loyal to that particular industry, that is the coal-mining industry. So long as he does that he is assured of these two facilities.

Similarly, if the same facilities were to be extended to agricultural workers also, or even to textile workers, dockyard workers and the jetty workers and the ordinary transport workers in our towns, and so on, you would then find that the object that my honourable friend Mr. Hussain Imam has, that is to induce more and more workers to stick to their work and thus become specialists and therefore increase their skill and so on, would soon be achieved through similar schemes than through any other imaginable method. Therefore, I have no hesitation whatsoever in calling this a revolutionary measure and an excellent experiment and I do wish it every possible success.

Shri Khandubhai K. Desai (Bombay: General): While I, Sir, accord my full and wholehearted support to the Bill before this House, I would like to make a few observations. The condition of the mine workers was the worst in this country among the industrial workers and their condition being the worst, it created during the last few years a very serious situation in the country, because if coal production does not come up to the expected level other industries will suffer. Under these circumstances, I believe it right that the Government thought that something requires to be done in order to satisfy the miners and to keep them on the mines with a view to have more production. Therefore, it is a matter of real satisfaction that the lowest rung in the ladder as far as workers are concerned, has been for the first time considered and their conditions sought to be improved. I am quite sure that the Honourable the Labour Minister, if he had more time at his disposal, would have brought a really comprehensive measure which might be applied to the employees working in other established industries in this country. I think that the Bill before this House is not the last word, but as a matter of fact, it is the first word in this piece of legislation. I do not look upon this Bill, as some of my friends have said, as an experimental measure. It is not an experimental measure. It is the first step towards something which ought to have permanent character in this country (*Prof. N. G. Ranga*: 'Hear, hear') and we, Sir, as far as provident fund and pension is concerned, cannot afford even to think of the failure of either a provident fund scheme or a pension fund scheme. It has to come in and I think it may be that this is just probing what we can do (*Prof. N. G. Ranga*: 'Say a glimpse into the future'), but not with a view to experiment. It is with a view to take further steps not in the remote future but in the immediate future. If this Bill can be applied and is going to be applied to the coalmines, there is no reason why such a Bill cannot be made applicable to four or five established industries in the country like, cotton, jute, plantations, docks and others. I also feel, Sir, that though the scope of this Bill is very limited in its extent, it gives us an idea as to what can be done for the employees working in the industries.

Sir, something was said about absenteeism of the workers, about their low efficiency and about their laziness. Let us look at this question from a different angle. Have these people up to now been treated as responsible citizens of this country? Of course, every one will at once admit that they have not been treated as responsible citizens of this country. They have had no self-respect; they have had no voice either in the administration of the industry or in the administration of the Government. Now that, under the new set-up, they have got adult franchise, it is they who are practically the rulers along

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with all other adult population of this country. The provident fund scheme does give them a sort of self-respect, a sort of security. Assuming for the sake of argument that most of the Secretariat employees today working in the Government, municipality or such other institutions and who are called, "white collar employees", are deprived of the provident fund schemes which they are enjoying, are also deprived of all the pension schemes which they are enjoying, will they work as efficiently as they work today? The question of provident fund or pension is as much in the interests of the employees who are working as it is in the interests of the nation, and therefore, Sir, I hope this Bill is, as I said, the first word in such legislation and not the last word, and at the earliest opportunity,—and the earliest opportunity that I visualise is the Budget Session—so in the Budget Session I hope the Honourable the Labour Minister will bring in a comprehensive Bill wherein not only the outline of a scheme but a full scheme which can be made applicable to all the industries will come before this House.

With these words, I wholeheartedly support this first word in such legislation.

The Honourable Shri Jagjivan Ram: Sir, I had no intention of giving any comprehensive reply to the debate, but a few questions have been raised which demand a reply from me. Complaint has been made that such measures encourage absenteeism and reduce efficiency, whereby production suffers. This is an idea, Sir, which has been created by the employers in this country in order to condemn the working class. If one were to analyse, one will find that the workers in India are not less efficient than workers in other countries. As regards the coal industry I may inform the House that the employers experimented with imported labour from England and Canada and they found that the Indian miner was more efficient than others. (*Some Honourable Members*: 'Hear, hear'). Some friends here compare the production per man hour. It is very easy to compare the figures of production, but I would ask those friends to compare the figures of earnings as well. If a miner in England produces one-quarter of a ton and if a miner in Jharia or Dhanbad produces one-eighth of a ton naturally one will say that the production of the Indian miner is 50 per cent of the English miner or that the efficiency of the Indian miner is less than that of the English miner, but if one were to know that the wages of the English miner is four times that of the Indian miner, one will come to the conclusion that the Indian miner produces double what the English miner produces and thereby the efficiency of the Indian worker is hundred per cent. more than the English worker. This is a very simple fact, Sir, but it has always been ignored because the employers, having all the possible vehicles of propaganda under their control, have created a fog by which the realities have been screened.

As regards production, it has been a cry that production is suffering. Is only the labourer responsible for the fall in production? Are there not so many other factors which contribute to increased production? Have we been able to remove all the defects by which production is suffering? If production is suffering, we cannot throw the entire blame on the working class. So far as my experience goes, Sir, after the Industrial Truce Resolution I can say with some pride that the working class has responded very manfully and very courageously to our call, and if we have been deceived and disillusioned, we have been disillusioned by a large section of the employers. Production in textile industry has increased. Today production in coal industry has increased and I am faced with a large number of retrenchments and dismissals in the coalfields because there has been overproduction in the sense that there are no transport facilities and raising has to be stopped. If production suffers on

that account, that is no fault of the worker. So we cannot say today that production is suffering on account of the workers. Our machineries in factories have grown old; we have not been able to repair and replace them for the last eight or ten years. Have not all these factors contributed to a decrease in production? The cost of living is soaring very high. Only this morning I was examining how many strikes were declared due to non-implementation of Awards recommending increase in dearness allowance and I was surprised to find, Sir, that most of the strikes were due to this factor or due to demand for increase in dearness allowance. Most of the stoppages of work were due to this reason and considerable mandays were lost. So when we stand up and blame the workers for a fall in production, we should also look to the other factors which contribute to a decrease in production. And if we are to examine that we will not blindly blame the workers alone.

As regards absenteeism, when last year, we were insisting for increasing the wages of the coal miners, the same plea of absenteeism was urged by the employers that if the earnings of the workers were increased, there will be a tendency on their part not to work for more days in a week than they were working before. But the employers have been disillusioned. The attendance has increased. We took particular care to link bonus with production and attendance, and I may inform the House, Sir, that we are going to link this Provident Fund with attendance as well.

My honourable friend, Mr. Sidhva was anxious that Provident Fund should be introduced for all industries and that the employers should voluntarily do this in their concerns. Mr. Sidhva during the last session introduced a Bill to that effect. I do not agree with that view. I do not want individual employers to institute provident funds for their employees alone. I want provident fund on an industry basis or on a regional basis. If the provident fund is on an industry basis, as it is proposed today here, the workers stand to gain. Today the employers are decidedly in a better position than the workers and if the provident fund is only for a single unit of an industry and if the worker is discharged or dismissed from that factory, he loses the benefit of a provident fund. But here even if a worker is discharged from one colliery and if he gets employment in another colliery, his provident fund is not forfeited. His name exists on the register of the provident fund. The only difference is that the employer's share of the contribution will be realized from the new employer, but the worker will all along remain on the register and he will have the benefit of the provident fund. And, therefore, I will request my honourable friend, Mr. Sidhva to revise his idea and he should always insist that the provident fund should be either on industry-wise basis or region-wise it should not be factory-wise.

Another point has been raised and that is, that the employer's share should have been greater than the employee's share. Sir, as I said in the very beginning, this scheme is based on an award of the Conciliation Board, which was voluntarily agreed to between the employers and the employees and one of the terms of that agreement was, that compulsory contributory provident fund will be instituted in the coalfields, the contribution of the employers and the employees being equal. It does not look dignified on our part to alter the terms of that agreement. It is to give effect to an agreement and therefore the contribution from the employers and the employees will be equal.

As regards introducing or instituting provident fund in other industries, we stand committed to that. There is no shirking that responsibility. If our country has not reached a stage where we can think of old age pension in the near future this is the least that we can do at this stage and we have to do it. And when I said, Sir, that this is an experimental measure, I did not mean that a provident fund is an experimental measure. What I mean to say is that we have to gain experience of its working before we introduce it in other

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industries; not that I mean to say that if this experiment fails, the future of provident fund in this country is doomed; that is very far from my conception. I have been working on this scheme for the last six months. I know what difficulties we have to face. Dr. P. S. Deshmukh suggested that all the employees in the coal fields shou'd have been brought on the register and this scheme should have been introduced to all of them. Had he some idea of the working of the coal fields, he would not have said that. The worker goes to a coal field, works for a few weeks, finds the work un-congenial and returns to his village and will never go to the coal fields again for his whole life. Do you propose that his name should be registered, that all the formalities of instituting a provident fund on his behalf should be done with no benefit to him and a lot of botheration to the employer and to the staff that we maintain there? No. You cannot compare the workers in the coal fields to the workers in the factories and therefore, we have not brought a comprehensive measure before the House, because we have to prepare a scheme in consultation with the employers and the labourers there. For the last six months we have been formulating one thing and revising it again in consultation with the workers, their leaders, their unions and the employers and it is after these processes that we have been able to devise something by now.

As regards interest and things like that, I would draw the attention of my honourable friend, Mr. Sidhva to page 8 of the Bill, item 8 of the schedule. Of course, the workers will get interest; they will get compound interest the money that we will get, we will certainly invest somewhere where the money can earn; we will not allow the money to lie idle. It is, of course, a simple thing.

This, as I said, Sir, is a very simple bill, but I visualise it has great potentialities, in the sense that it is for the first time not only in this country, as far as my information goes, throughout the world, that a provident fund has been instituted for casual works, I wish to say a word about dock workers. My honourable friend, Mr. Sidhva is aware that last year we passed a Bill for the de-casualization of the Dock workers and the Act contains a provision that a scheme will be formulated for the welfare of the workers. That scheme may very well contain a provision of provident fund for the dock-workers. But quite apart from that, I may assure the House, Sir, that we are very anxious to institute provident fund for workers in various industries It may not be possible to bring that Bill in the budget session because, as my honourable friend, Mr. Khandubhai Desai knows, our hands are already full for the budget session. He knows that we have already certain measures which the Government proposes to introduce in the Budget session and it may not be possible to bring that measure in the Budget session. But, it will not take a long time. Before a measure is brought before this House, it takes, as you are very well aware, a good deal of time of our staff to prepare that Bill. It is not simply the drafting of the Bill; before that, we have to work out the details and so many other things. I may not promise that I will bring the Bill in the Budget session. But, we are anxious that we should try to institute provident fund for other industries as well. I hope the House will accept the Bill.

Mr. Chairman: The question is:

"That the Bill to make provision for the framing of a Provident Fund Scheme and a Bonus Scheme for persons employed in coal mines, be taken into consideration."

The motion was adopted.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I beg to move:

"That in part (b) of clause 2 of the Bill, for the words 'below ground', the words 'below the ground' be substituted."

The Honourable Shri Jagjivan Ram: I do not accept it.

Mr. Nasiruddin Ahmad: I do not press, Sir.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 9 were added to the Bill.

Mr. Nasiruddin Ahmad: Sir, I beg to move:

"That in sub-clause (1) of clause 10 of the Bill, for the word 'jurisdiction', the words 'functions and powers' be substituted."

Sir, the text of the Bill says that the Central Government may define their jurisdiction. In fact, functions and powers would be more proper. Jurisdiction is more abstract. Functions and powers are more understandable and more concrete, it seems.

Mr. Chairman: I think the honourable member is under a misapprehension. This defines which Inspector will have jurisdiction over which mine.

Mr. Nasiruddin Ahmad: If that is the idea of jurisdiction, I am not pressing this amendment.

Sir, I beg to move:

"That in part (c) of sub-clause (2) of clause 10 of the Bill, for the words 'cause to believe', the words 'grounds for believing' be substituted."

Sir, this seems to be more appropriate.

The Honourable Shri Jagjivan Ram: I do not accept it.

Mr. Chairman: The question is:

"That in part (c) of sub-clause (2) of clause 10 of the Bill, for the words 'cause to believe', the words 'grounds for believing' be substituted."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 and 12 were added to the Bill.

Mr. R. K. Sidhva: Sir, I want a clarification from the Honourable Minister as regards the scheme which he desires to propagate. If he would kindly enlighten us and give some of the details of the scheme, the House would be grateful.

The Honourable Shri Jagjivan Ram: I have already given outlines of the scheme. I cannot give the details at this stage. They are being formulated in consultation with the industry and the workers.

Mr. Chairman: The question is:

"That the First and the Second Schedules stand part of the Bill."

The motion was adopted.

The First and the Second Schedules were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

FACTORIES BILL

Mr. Chairman: Next motion: The Honourable Shri Jagjivan Ram:

Mr. R. K. Sidhva (C.P. and Berar: General): Sir, the next Bill may be taken on Monday. That is a big Bill.

Mr. Chairman: It may be started now and continued on Monday I do not think it is right to lose Assembly's time. I would suggest to the Honourable Minister to proceed with the motion.

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir, I beg to move:

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

Sir, in moving that the Factories Bill, 1948, as amended by the Select Committee be taken into consideration, I may be permitted to place before the House the salient features of the Bill and the more important changes sought to be made in the Factories Act, 1934.

The House will, no doubt, recall what I mentioned in the statement of Objects and Reasons, that compared to the provisions of the Bill submitted to the House, the Act of 1934 was not only limited in scope, but left many essential and vital matters to the rule making powers of Provincial Governments. This defect has been remedied in the Bill, and all minimum requirements, particularly in respect of health, safety and welfare in regard to which uniformity is most essential have been provided for in the Act itself. The rules framed by Provincial Governments will hereafter be confined to their legitimate role of making provision for the less important and incidental and procedural matters The Bill differs from the 1934 Act in another important respect also and that is as regards the responsibility for deciding whether the requirements of the Act have been complied with by an occupier or not. The 1934 Act leaves far too much to the discretion of Inspectors, which in view of the specialised and hazardous nature of many processes, they are not able to discharge effectively. The Bill contains detailed provisions which will lift this burden off their shoulders. One of the main principles sought to be emphasised by the new provisions is that an occupier who takes upon himself the responsibility for a manufacturing process must also bear the responsibility for ensuring that it is carried on with due regard to the safety, health and welfare of the workers. He can no longer excuse himself from responsibility for defects by shifting it on to Inspectors. The scope of the Factories Act has considerably been enlarged and the distinction between perennial and seasonal factories done away with. A further important provision relates to the compulsory registration and licensing of factories. The previous permission in writing of the Provincial Government or the Chief Inspector is required for the construction and extension of any factory and plans and specifications have to be submitted and scrutinised before such permission is given.

I may remind the House that this comprehensive amendment of the Factories Act of which I have mentioned only a few salient features has received

the very careful consideration not only of Government but of the Standing Labour Committee and the Indian Labour Conference, both of which are tripartite bodies fully representative of employers and labour. While agreeing generally with the lines on which the Act was sought to be amended the employers' representatives were opposed to certain details such as the extension of the scope of the term "factory", the elimination of the distinction between seasonal and perennial factories, the pre-licensing of factories, the making of compulsory provision for the maintenance of canteens and the making of provision for accommodation for the storage of clothes and seating facilities. The workers' representatives disagreed with the employers' representatives on most of those points. They expressed satisfaction at the comprehensive nature of the amendments proposed by Goverement but were anxious that Government should be responsible for the treatment of sick workers and their maintenance during illness—matters which have since been taken care of by the Employees' State Insurance Act. They were also of the opinion that three kinds of factory Inspectors, *viz.*, technical, medical and welfare, should be appointed and that children below the age of 15 should not be employed in factories. All these and a large number of opinions received from experts as well as the public were taken into consideration by the Select Committee.

As honourable members will see from the amended Bill placed before the House, the Select Committee made a number of important changes which have added materially to the usefulness of this important enactment. The new Act will be applied to all States acceding to the Centre in respect of labour legislation. The provision of a minimum standard of 500 cubic feet of space per worker in case of new factories, effective arrangements for the supply of wholesome drinking water and the provision of lunch rooms are some of the amenities which the Select Committee thought should be provided to add to the physical comforts of workers. The daily and quarterly limits of overtime have been fixed and the extent of the annual leave with wages has been raised from 10 days per year to one day for every 20 days of work in the case of an adult and to one day for every 15 days of work in the case of a child. Workshops belonging to Federal Railways have been exempted from the provisions of Chapter VIII in view of the fact that the leave rules of Federal Railways are more liberal than the provisions contained in the Bill.

I do not propose to take more of the time of the House with a detailed account of the measures placed before them. It is my earnest hope that the House will find the new Act a distinct improvement on the old. It may not come up to the expectation of all in some respects while some may consider that we are going too fast; but on a balance of the various considerations the House—let me hope—will find the measure appropriate to the spirit of the times. Legislative measures such as this have constantly to be kept under review so that weaknesses may be detected and improvements effected. This will be our constant endeavour. I now commend this Bill as amended by the Select Committee, to the favourable consideration of the House.

Mr. Chairman: Motion moved:

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

Mr. R. K. Sidhva: Sir, we just now passed a measure on which the Honourable Minister was applauded from all sides of the House. With regard to this Bill I have to congratulate the Honourable Minister and also the members of the Select Committee because certain important suggestions made while the Select Committee motion was under discussion have been borne in mind and incorporated.

As the Honourable Minister just said, the Bill has come out of the Select Committee with some important beneficial measures which relate particularly

[Mr. R. K. Sidhva]

to the removal of perennial and casual labour and providing better ventilation, which is the real grievance of the workers today in many industries. Particularly in old buildings where the textile industry is carried on in Bombay and Ahmedabad there is hardly any ventilation. The Select Committee have considered this point and have made a provision that ventilation shall be provided in the various factories. I do not know whether this provision will be applicable to the existing buildings or only to the new ones. If it applies only to future buildings I suggest that compulsion should be applied to old buildings also; otherwise the object will be nullified.

Mr. Chairman: The honourable member will see that such a provision is there in clause 16(2).

Mr. R. K. Sidhva: Thank you, Sir.

Then the Select Committee have made provision for a lunch room. I know that in several industrial concerns there are no arrangements for workers to take their meals. In commercial concerns there are lunch rooms and tiffin rooms where during the lunch-hour interval the clerks and others take their meals. I am glad that this facility has now been provided for industrial workers who require it all the more.

Mr. Chairman: The honourable member can continue his speech on Monday next.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday the 23rd August, 1948.